

H. C. R. No. 2, Granting Mrs. Annie Allison permission to bring suit against the State of Texas.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, October 6, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 3, Granting E. A. Schlick, et al., permission to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

EIGHTH DAY

(Continued)

(Thursday, October 8, 1936.)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Stevenson.

RELATIVE TO CERTAIN ROAD BONDS

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 4, Relative to certain road bonds.

The resolution having heretofore been read second time and referred to the Committee on Highways and Motor Traffic.

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

Mr. Stinson offered the following substitute for the resolution:

Whereas, The Legislature of the State of Texas, in Chapter 13, Acts of 1932, of the Third Called Session of the Forty-second Legislature and Chapter 136, Acts of 1933 of the Forty-third Legislature of Texas, Regular Session, provides, among other things, for the payment by the State Treasurer of the interest and sinking funds due on county road bonds which have been issued for the construction of roads that are a part of the State Highway System and which are eligible to participate in

the County and Road District Highway Fund, but said Acts do not, in express terms, authorize the State Treasurer to receive from the several counties of the State and pay to the holders of the county road bonds which are not eligible to participate in the County and Road District Highway Fund, the interest and sinking funds due thereon; and

Whereas, The question has been raised as to whether or not the State Treasurer can lawfully receive from the several counties of the State and thereafter pay out the interest and sinking funds due on such county and district road bonds which are not eligible to participate in the County and Road District Highway Fund, and the Comptroller issue warrants for the payment of the interest and sinking funds due thereon; and

Whereas, It was the intention of the Legislature in the passage of said bills to authorize the State Treasurer to act as ex-officio treasurer of the several counties of the State in the receipt from such counties of the interest and sinking funds due on such bonds of the several counties and thereafter pay out such funds to the holders of such county road bonds which are not eligible to participate in the County and Road District Highway Fund, and it was further the purpose of the Legislature in the enactment of said bills to authorize the State Treasurer to pay such funds upon the warrants issued by the State Comptroller as provided in said Acts, in the same manner as is provided for the payment of such interest and sinking funds upon such county road bonds which are eligible to participate in the County and Road District Highway Fund; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it was the intention of the Legislature of the State of Texas in enacting said above named Acts to authorize and empower the Treasurer of the State of Texas to act as ex-officio treasurer of such respective county and road districts in the payment of the interest and sinking funds due by the several counties of the State upon such county road bonds which are not eligible to participate in the County and Road District Highway Fund, and to receive from the respective counties the sums of money due by such respective counties for the payment of such interest and sink-

ing funds, and to pay same upon warrants issued by the Comptroller of the State of Texas in the same manner as is provided for the payment of the interest and sinking funds upon the county road bonds which are eligible to participate in the County and Road District Highway Fund in the Acts aforesaid. Nothing herein shall be construed as increasing the liability of the State of Texas for the payment of any interest or sinking funds on any county road bonds not heretofore eligible under the provisions of the Acts aforesaid; the State Treasurer, merely for convenience of such counties, to act as ex-officio treasurer in the receiving and payment of the interest and sinking funds on said county road bonds which are not eligible to participate in the County and Road District Highway Fund.

The amendment was adopted.

Question recurring on the resolution as substituted, it was adopted.

HOUSE BILL NO. 8 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act levying and imposing occupation taxes on certain industries, and public utilities, and natural resources; providing how the moneys, so derived, shall be allocated to the Texas Old Age Assistance Fund; levying an occupation tax on gas, electric light, electric power, or water works, or water and light plants, etc., and declaring an emergency."

The bill having been read second time on yesterday; the House having agreed to consider the bill Section by Section.

Mr. Reed of Bowie moved that further consideration of House Bill No. 8, be postponed until 10:00 o'clock a. m., next Friday.

Mr. Frazer moved to table the motion of Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—96

Adamson
Adkins

Aikin
Alexander

Alsup	King
Ash	Lanning
Atchison	Latham
Bergman	Leath
Bradford	Luker
Bridgers	Mauritz
Broyles	McCalla
Burton	McConnell
Butler of Karnes	McFarland
Caldwell	McKinney
Calvert	Moffett
Canon	Moore
Collins	Morrison
Colquitt	Morse
Cooper	Newton
Craddock	Nicholson
Crossley	Olsen
Davison of Fisher	Payne
Dunlap of Hays	Petsch
Duvall	Quinn
Fain	Reed of Dallas
Fisher	Riddle
Ford	Roach of Angelina
Frazer	Roach of Hunt
Gibson	Roane
Good	Roark
Gray	Roberts
Greathouse	Rogers
Hankamer	Russell
Hanna	Settle
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Steward
Herzik	Stinson
Hill	Stovall
Hodges	Tarwater
Holland	Tennyson
Hoskins	Thornton
Howard	Tillery
Hunt	Venable
Hunter	Walker
Hyder	Wells
Jackson	Wood of Harrison
James	Wood of Montague
Jones of Atascosa	Worley
Jones of Falls	Young

Nays—27

Bourne	Knetsch
Bradbury	Lindsey
Cagle	Lucas
Davis	Morris
Dickison	Palmer
England	Patterson
Farmer	Reader
Fox	Reed of Bowie
Fuchs	Rutta
Glass	Spears
Hardin	Waggoner
Hofheinz	Westfall
Huddleston	Youngblood
Jones of Wise	

Absent

Broadfoot	Graves
Butler of Brazos	Harper
Celaya	Jefferson
Colson	Jones of Shelby
Cowley	Keefe
Daniel	Lange
Davisson	Lemens
of Eastland	Lotief
Dunagan	Pope
Dunlap of Kleberg	Scarborough
Dwyer	

Absent—Excused

Head	Padgett
Leonard	Sessions
McKee	Stanfield

Mr. Hankamer offered the following amendment to Section I of the bill:

Amend House Bill No. 8, Section 1, Subsection (c), page 3, line 22, by striking out the word "beginning" in said line, and inserting in lieu thereof the word "ending."

The amendment was adopted.

Mr. Keefe offered the following amendment to Section I of the bill:

Amend House Bill No. 8, pages 2 and 3, by striking out line 40 on page 2 and lines 1, 2, 3, and 4 on page 3, and inserting in lieu thereof the following:

"The producer of any of the natural resources upon which a tax is imposed under the provisions of this Section shall make such tax payments to the Treasurer of this State, as provided for by the other provisions of this Act."

The amendment was adopted.

Mr. Hankamer offered the following amendment to Section I of the bill:

Amend House Bill No. 8, Section 1 (a), page 2, by striking out all of line 30.

Mr. Frazer moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Hofheinz offered the following amendment to Section I of the bill:

Amend House Bill No. 8, by striking out Subsection (D), page 3, lines 24, 25, 26, and 27, and inserting in lieu thereof the following:

"The term 'commercial producer' is hereby defined as any person, firm, as-

sociation, company or corporation which severs or produces any salt, ores, marble, stone, gravel, sand, shell, timber, gypsum, or any other produced natural resource for the purpose of sale."

On motion of Mr. Davison of Fisher, the amendment was tabled.

Mr. Hankamer offered the following amendment to Section I of the bill:

Amend House Bill No. 8, Section 1, Subsection (c), page 3, lines 7 and 23, by striking out the words "Act" in said line and inserting in lieu thereof the words "Section."

The amendment was adopted.

Mr. Lotief offered the following amendment to Section I of the bill:

Amend House Bill No. 8, Section 1, by adding thereto Section 1-A, as follows:

"Each person, firm, association, company or corporation producing and/or bottling any mineral water, or manufacturing any crystals or salts from mineral water, shall make quarterly, on the first days of January, April, July and October of each year a report to the Comptroller, sworn to by such person before an officer authorized to administer oaths in this State; or if such person be other than an individual, so sworn to by its president, secretary or other duly authorized officer on such forms as said Comptroller shall prescribe, showing the total quantity of mineral water produced and sold, or the quantity of crystals or salts manufactured from such mineral water or both, if the taxpayer be both a producer and manufacturer of mineral water or salts during the quarter next preceding the date of report, and shall pay an occupation tax of 1c per gallon on such mineral water, and 5c per pound on such salts or crystals."

Mr. Quinn raised a point of order, on further consideration of the amendment by Mr. Lotief, at this time, on the ground that the amendment violates certain constitutional provisions.

The Speaker overruled the point of order.

Mr. Quinn moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Lotief moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Farmer offered the following amendment to Section II of the bill:

Amend House Bill No. 8, on page 4, in line 35, by striking out "one-fourth" and insert therefor "two thirds," and in line 37 strike out "the remainder" and insert therefor "one-third."

Mr. Tennyson offered the following substitute for the amendment by Mr. Farmer:

Amend House Bill No. 8, page 4, Section 2, by striking out lines 34 to 39 inclusive, and insert in lieu thereof the following:

"From the effective date of this Act, except as hereinafter provided, one-half of the revenue derived from this Act shall be credited to Available School Fund of the State of Texas, one-fourth to Texas Old Age Assistance Fund, and one-fourth to the General Revenue Fund of the State of Texas."

TENNYSON,
HANKAMER,
DICKISON.

Question recurring on the substitute amendment by Mr. Tennyson, yeas and nays were demanded.

The substitute amendment was lost by the following vote:

Yeas—53

Aikin	Hankamer
Atchison	Hanna
Bergman	Harris of Archer
Bourne	Hartzog
Bradford	Herzik
Bridgers	Howard
Broyles	Huddleston
Burton	Hyder
Butler of Brazos	Jones of Falls
Cagle	Keefe
Calvert	Lange
Celaya	Lanning
Davis	Latham
Dickison	Lemens
Dunlap of Hays	McCalla
Dwyer	McConnell
Fisher	Olsen
Ford	Palmer
Fuchs	Payne
Greathouse	Quinn

Reader	Smith
Reed of Bowie	Spears
Reed of Dallas	Stinson
Riddle	Tennyson
Rutta	Tillery
Settle	Youngblood
Shofner	

Nays—70

Adamson	King
Adkins	Knetsch
Alexander	Leath
Alsup	Lotief
Ash	Lucas
Bradbury	Luker
Butler of Karnes	Mauritz
Caldwell	McFarland
Canon	Moffett
Collins	Moore
Colquitt	Morris
Cooper	Morrison
Cowley	Morse
Crossley	Newton
Daniel	Patterson
Fain	Petsch
Farmer	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roane
Gibson	Roark
Glass	Roberts
Good	Rogers
Graves	Russell
Gray	Steward
Hardin	Stovall
Harris of Dallas	Tarwater
Hill	Thornton
Hodges	Venable
Hofheinz	Waggoner
Holland	Walker
Hoskins	Westfall
Hunt	Wood of Harrison
James	Wood of Montague
Jones of Atascosa	Worley
Jones of Wise	Young

Absent

Broadfoot	Hunter
Colson	Jackson
Craddock	Jefferson
Davison of Fisher	Jones of Shelby
Davisson	Lindsey
of Eastland	McKinney
Dunagan	Nicholson
Dunlap of Kleberg	Pope
Duvall	Scarborough
England	Wells
Harper	

Absent—Excused

Head	Padgett
Leonard	Sessions
McKee	Stanfield

Mr. Jones of Wise offered the following substitute for the amendment by Mr. Farmer:

Amend House Bill No. 8, by striking out on page 4, Section 2, all between lines 34 and 39, inclusive, and substitute in lieu thereof the following:

"From the effective date of this Act, one-third of the net revenue derived from the Act levying the Cigarette Tax shall be credited to the Available School Fund of the State of Texas; one-third to the General Revenue Fund; and one-third to the Texas Old Age Assistance Fund."

JONES of Wise,
CANON.

The amendment was adopted.

The amendment as substituted was then adopted.

Mr. Farmer moved to reconsider the vote by which the above amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Farmer offered the following amendment to Section II of the bill:

Amend House Bill No. 8, page 4, line 28, by striking out "two and one-half (2½) per cent," and insert therefor "three and one-half (3½) per cent."

The amendment was lost.

Question—Shall House Bill No. 8 pass to engrossment?

MESSAGE FROM THE SENATE

Austin, Texas, October 8, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. No. 7, Relative to cooperating with the governments and agencies of other states in carrying out certain policies specified by the 74th Congress.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONCERNING MARKET PRICE OF COTTON

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 7, Concerning market price of cotton.

Whereas, There has been enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, an Act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers, and by providing for a permanent policy of Federal aid to States for such purposes (Public No. 461, 74th Congress) approved by the President, February 29, 1936;

Whereas, A provision of the Act and the purposes of the grant of money authorized by the Act is made usable by Legislative assent of the several State and territories; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring;

Section 1. That the Legislature of the State of Texas adopt as a policy of the State of Texas the policy of cooperating with the governments and agencies of other States and of the United States in carrying out the policies and purposes specified in Section 7-A of said Act.

In order to effectuate such policy the Agricultural and Mechanical College of Texas is hereby authorized and empowered to receive any grants made pursuant to said Act and to use them for the benefit of the State of Texas in accordance with such pursuant to the provisions of said Act; and

Whereas, The price of middling cotton October 6th, at the 10 designated spot cotton markets was 12.09; and

Whereas, This price is far below the cost of production and a fair profit to the producers, and far below the prices being received for other farm commodities; and

Whereas, The prices being paid by the producer of cotton for all finished products that he is forced to buy is far in excess of the price he is receiving for his cotton; and

Whereas, The United States Department of Agriculture, through its agencies during the last year, sold or caused to be offered for sale, over a million bales of cotton from stocks controlled by it at a price of about twelve (12) cents per pound delivered, this price being far below the cost of production and a fair profit to the producers; and

Whereas, The Federal Department of Agriculture, or its agencies, have

now under their control, several million bales of cotton; and

Whereas, It is generally understood it is their plan to place something like a million bales of this cotton on the market in January, 1937, the cost of this cotton plus carrying charges, etc., is estimated at a figure somewhere between thirteen and one-half ($13\frac{1}{2}$) and fourteen (14) cents per pound; and

Whereas, The whole cotton trade has every reason to expect this cotton to be offered at a price of fourteen (14) cents, or less, creates a condition that automatically prevents cotton of the present crop from selling at a price higher than the expected figure. In other words, the knowledge that cotton will be offered at such a figure obviates the necessity of paying more for cotton now being offered as no one needing cotton would go long either on the future or spot market knowing such cheap cotton would be available in the near future; and

Whereas, The Secretary of Agriculture of the United States, is given authority under Public No. 461 of the 74th Congress to "establish the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five year period, August 1909, to July 1914, inclusive"; and

Whereas, To do this, it is necessary that the price of cotton be such as to guarantee the cost of production plus a fair profit to the producer; now, therefore, be it further

Resolved that we, the Senate of the State of Texas, the House of Representatives concurring, Respectfully ask the Secretary of Agriculture to at once announce the number of bales of cotton to be placed on the market, the time such will be done, and to make the firm assertion that this cotton will not be placed on the market at less than eighteen (18) cents per pound middling basis, $7/8$ inch staple, so that this surplus stock will not act as a prohibition against the present crop bringing a fair price set by supply and demand.

Sec. 2. This resolution shall take effect immediately upon its enactment.

The resolution was read second time.

On motion of Mr. Moffett, the resolution was referred to the Committee on Agriculture.

CONCERNING TAXES PAID BY OIL COMPANIES IN TEXAS

Mr. Greathouse offered the following resolution:

Whereas, The Mid-Continent Oil and Gas Association of Texas has published a certain pamphlet entitled "Taxes on Oil Production in Texas Higher Than in Any Other State," which pamphlet has been widely circulated and laid on the desks of Members of the Legislature, setting forth that the production taxes enforced in the States of Louisiana and Oklahoma are in lieu of all other taxes; and further setting forth that the oil industries in Texas are paying in all taxes, not including gasoline tax, approximately Twenty Nine and One Half Millions of Dollars; and further setting forth that in 1935 the Railroad Commission report that 375,617,000 barrels of oil were produced in Texas and that the following table represents taxes paid upon gross receipts and production tax, including all other taxes, is substantially as follows, to-wit:

"Summary of Taxes Paid by Texas Oil Producers, Year 1935.

(Taken from State and County Tax Records at Austin.)

1935 Production Reported to Railroad Commission, 375,617,000 barrels.

(a) Gross Receipts and Production Tax	\$ 8,038,204
(b) Franchise Tax	141,520
(c) Regulatory Tax	627,978
Ad Valorem Taxes ..	20,087,030
State	\$4,178,630
County	6,622,187
School	7,328,461
(d) Other ..	1,957,752
(e) Other State Taxes ..	266,541
Grand Total	\$29,161,273
Tax per bbl.	\$.0776"

For the convenience of the Comptroller, a copy of said pamphlet is hereto attached and marked "Exhibit A"; and

Whereas, It has become the duty of the Legislature of the State of Texas to raise revenue to pay Old Age Pensions, and it is therefore incumbent upon the Legislature of the State of Texas to be advised officially

as to the correctness or incorrectness of the amount of taxes now paid by the oil industries in Texas; now, therefore, be it

Resolved by the House of Representatives, That the Comptroller of the State of Texas is hereby requested and directed to verify the figures set forth in the above statement to the end that the Legislature of Texas may be advised as to the amount of taxes now paid by the oil industries into the Tax Collecting Agencies of the State.

The resolution was read second time.

Mr. Roane moved that the resolution be referred to the Committee on Revenue and Taxation.

Mr. Greathouse moved to table the motion to refer the resolution.

The motion to table prevailed.

Question recurring on the resolution, it was adopted.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, (by unanimous consent) was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Collins and Mr. Colquitt:

H. B. No. 38, A bill to be entitled "An Act providing for a Civil Service System in all counties having a population of not over 330,000 inhabitants and not less than 300,000 inhabitants, according to the last Federal census; to provide for a Civil Service Board and Civil Service Director; further providing for rules, regulations, etc., and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

RECESS

Mr. Olsen moved that the House recess to 2:00 o'clock p. m., today.

Mr. Stovall moved that the House recess to 1:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Stovall, it was lost.

Question then recurring on the motion by Mr. Olsen, it prevailed, and the House accordingly, at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Settle was granted leave of absence for this afternoon, and the balance of the week, on account of illness in his family, on motion of Mr. Cooper.

Mr. Head was granted leave of absence for this morning, on account of illness, on motion of Mr. Wells.

Mr. Jones of Atascosa, was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Davis.

HOUSE BILL NO. 8 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 8, relative to levying and imposing occupation taxes on certain industries.

The bill having heretofore been read second time; the House having agreed to consider the bill Section by Section.

Mr. Fain offered the following amendment to Section II of the bill:

Amend House Bill No. 8, page 6, by adding after line 31, a new Section to be known as Section 2-A:

"Section 2-A. There is hereby levied a tax upon the sale, use, consumption, handling or distribution of all cigars, as defined herein, within the State of Texas in the following amounts:

(1) Little Cigars.—Upon cigars of all descriptions weighing not more than three (3) pounds per thousand, one cent (\$0.01) for each ten (10) cigars or fraction thereof;

(2) Cheroots, Stogies, Etc.—Upon cigars of all descriptions weighing more than three (3) pounds per thousand, retailing for three cents (\$0.03) each, or less, Three Dollars (\$3.00) per thousand;

(3) Cigars.—Upon cigars of all descriptions weighing more than three (3) pounds per thousand, retailing for over three cents (\$0.03) each, Ten Dollars (\$10.00) per thousand.

The retail price shall be construed to mean the retail or selling price before adding the amount of the tax

and shall be construed to mean the ordinary retail price of a single cigar.

The said tax shall be paid only once by the person making the "first sale" in this State and shall become due and payable as soon as such cigars are subject to a "first sale" in Texas, it being intended to impose the tax as soon as such cigars are received by any person in Texas for the purpose of making a 'first sale' of the same. No person, however, shall be required to pay a tax on cigars brought into this State on or about his person in quantities of six (6) cigars or less when such cigars are actually used by said person and not sold or offered for sale.

Provided that the tax imposed shall be in lieu of any other excise tax imposed by the State or any political subdivision thereof, on cigars.

Payment of such tax shall be evidenced by stamps purchased from the Treasurer and securely affixed on the box of cigars in the manner prescribed by the Comptroller. Provided that the said stamps shall be securely affixed in a manner that their removal will require continued application of steam or water."

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—42

Adamson	King
Ash	Lotief
Bergman	McCalla
Broadfoot	McKinney
Celaya	Morris
Collins	Morrison
Colquitt	Morse
Crossley	Newton
Dickison	Payne
Duvall	Pope
England	Reader
Good	Reed of Bowie
Gray	Reed of Dallas
Hankamer	Roane
Hanna	Shofner
Harper	Smith
Harris of Dallas	Spears
Hartzog	Steward
Holland	Stinson
Jackson	Thornton
Jefferson	Wood of Harrison

Nays—71

Adkins	Alexander
Aikin	Alsop

Atchison	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	Knetsch
Bridgers	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lucas
Cagle	Luker
Canon	Mauritz
Cooper	McConnell
Craddock	McFarland
Daniel	Moffett
Davis	Moore
Davisson	Nicholson
of Eastland	Olsen
Dunlap of Hays	Palmer
Fain	Patterson
Farmer	Petsch
Fisher	Quinn
Ford	Roach of Hunt
Fox	Roark
Gibson	Rogers
Glass	Rutta
Graves	Stovall
Greathouse	Tarwater
Hardin	Tennyson
Harris of Archer	Tillery
Herzik	Venable
Hodges	Walker
Huddleston	Wells
Hunter	Wood of Montague
Hyder	Worley
Jones of Falls	Youngblood

Absent

Butler of Karnes	Howard
Caldwell	Hunt
Calvert	James
Colson	Lange
Cowley	Lemens
Davison of Fisher	Lindsey
Dunagan	Riddle
Dunlap of Kleberg	Roach of Angelina
Dwyer	Roberts
Frazer	Russell
Fuchs	Scarborough
Hill	Waggoner
Hofheinz	Westfall
Hoskins	Young

Absent—Excused

Head	Padgett
Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield

Question recurring on the amendment, it was adopted.

Mr. Farmer moved to reconsider the vote by which the above amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Dunlap of Hays and Mr. Butler of Brazos offered the following amendment to Section II of the bill:

Amend House Bill No. 8 by adding at the end of Section 2a, a new section, Section 2b, to read as follows:

"Section 2b. Every State Mutual Aid Association or Company doing business within this State at the time of filing its annual statement, shall report to the Commissioner of Insurance the gross amount of premiums collected by it in this State from persons residing in this State during the preceding year, and each such association or company shall pay annual tax upon such gross premium receipts received from business done at the rate of five per cent (5%) upon such gross premium receipts; and the gross premium receipts where referred to in this law are understood to be the premium receipts reported to the Commissioner of Insurance by such association upon the sworn statement of two (2) principal officers thereof. Upon receipt by him of such sworn statement, showing the gross premium receipts by such association or company, the Commissioner shall certify to the State Treasurer the amount of taxes due by each such association or company, which taxes shall be paid to the State Treasurer on or before the first day of March following, and the receipt of the Treasurer shall be evidence of the payment of such taxes. No such association or company shall receive a permit to do business in this State under the Lodge System and on the assessment plan, whether organized under the laws of this State, or a foreign state, or exempt from the provisions of this law. The taxes aforesaid shall constitute additional taxes to all taxes and license fees collectible under the laws of this State against any such association or company."

DUNLAP of Hays,
BUTLER of Brazos.

Mr. Davison of Fisher offered the following amendment to the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos:

Amend Section 2a to House Bill No. 8, line 1 by inserting between the words "State" and "Mutual" the word "wide".

The amendment was adopted.

Mr. Colquitt offered the following amendment to the amendment by Mr.

Dunlap of Hays and Mr. Butler of Brazos:

Amend the amendment by striking out the words "gross premiums" and inserting the words "expense portion of the gross premium."

On motion of Mr. Butler of Brazos, the amendment was tabled.

Mr. Harris of Dallas offered the following amendment to the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos:

Amend the amendment to House Bill No. 8, Section 2a, at the end to read as follows:

"This shall in no way effect companies so organized under Chapter 7 of the insurance laws of Texas."

On motion of Mr. Butler of Brazos, the amendment was tabled.

Mr. Smith offered the following amendment to the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos:

Amend the Butler-Dunlap amendment to House Bill No. 8, by adding at the end of said amendment the following:

"Provided the provisions of this Act shall not apply to any fraternal or labor insurance organizations or societies."

The amendment was adopted.

Mr. Keefe offered the following amendment to the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos:

Amend amendment by adding thereto these words: "Provided this shall not apply to Statewide Mutual Fire Insurance Companies."

The amendment was adopted.

Mr. McConnell offered the following amendment to the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos:

Amend the figures in line 7, of the Dunlap-Butler amendment to read "2 per cent of the gross premiums."

On motion of Mr. Butler of Brazos, the amendment was tabled.

Mr. Colquitt offered the following amendment to the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos:

"Amend the amendment by exempting from the provisions thereof companies operating under the provisions of Chapter 6 of the 1925 Revised Civil Statutes."

On motion of Mr. Butler of Brazos, the amendment was tabled.

Question recurring on the amendment by Mr. Dunlap of Hays and Mr. Butler of Brazos, as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—85

Adamson	Hyder
Aikin	Jackson
Alexander	Jones of Shelby
Alsup	Jones of Wise
Atchison	Keefe
Bergman	King
Bourne	Lange
Bradford	Lanning
Bridgers	Latham
Broyles	Leath
Burton	Lemens
Butler of Brazos	Lotief
Butler of Karnes	Lucas
Canon	Luker
Collins	Mauritz
Colson	McFarland
Cooper	Moffett
Craddock	Moore
Crossley	Morrison
Daniel	Newton
Davis	Nicholson
Davisson	Olsen
of Eastland	Palmer
Dunlap of Hays	Payne
Dwyer	Quinn
England	Roach of Angelina
Fain	Roberts
Farmer	Russell
Ford	Rutta
Fox	Scarborough
Gibson	Shofner
Glass	Smith
Graves	Steward
Gray	Stinson
Greathouse	Tillery
Hankamer	Venable
Hardin	Wells
Harris of Archer	Westfall
Head	Wood of Harrison
Hodges	Wood of Montague
Hoskins	Worley
Howard	Young
Hunter	Youngblood

Nays—34

Ash	Fuchs
Cagle	Harper
Celaya	Harris of Dallas
Colquitt	Hartzog
Dickson	Herzik
Duvall	Hill
Fisher	Hofheinz
Frazier	Holland

Huddleston
James
Knetsch
McCalla
McConnell
Morse
Patterson
Pope
Reader

Reed of Bowie
Reed of Dallas
Roane
Roark
Rogers
Tarwater
Tennyson
Thornton
Walker

Absent

Adkins	Jefferson
Bradbury	Jones of Falls
Broadfoot	Lindsey
Caldwell	McKinney
Calvert	Morris
Cowley	Petsch
Davison of Fisher	Riddle
Dunagan	Roach of Hunt
Dunlap of Kleberg	Spears
Good	Stovall
Hanna	Waggoner
Hunt	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Venable offered the following amendment to Section III of the bill:

Amend House Bill No. 8, Section 3, page 7, line 22, by inserting "Dog Racing," after the words "Horse Racing."

VENABLE,
HARRIS of Dallas.

The amendment was adopted.

Mr. Steward offered the following amendment to Section III of the bill:

Amend House Bill No. 8, page 7, by adding at the end of Section 3, the following:

"7. On all passes or complimentary tickets to any place of amusement, a tax equivalent to ten (10) per centum of the admission charge to such place of amusement."

STEWART,
MORRIS.

Question recurring on the amendment by Mr. Steward, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—87

Adamson	Bradbury
Aikin	Bradford
Alexander	Bridgers
Atchison	Broyles

Burton	Hyder
Butler of Karnes	Jones of Falls
Cagle	Jones of Wise
Calvert	Keefe
Canon	Knetsch
Celaya	Lanning
Collins	Latham
Cowley	Leath
Craddock	Lemens
Crossley	Lotief
Davis	Lucas
Davison of Fisher	Luker
Davisson	Mauritz
of Eastland	McConnell
Dickison	McFarland
Dunlap of Hays	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Farmer	Morse
Fisher	Nicholson
Fox	Patterson
Fuchs	Payne
Gibson	Quinn
Glass	Reed of Bowie
Graves	Roark
Greathouse	Roberts
Hankamer	Rutta
Hardin	Stinson
Harper	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Head	Walker
Herzik	Wells
Hodges	Westfall
Hofheinz	Wood of Harrison
Hoskins	Wood of Montague
Howard	Worley
Huddleston	Young
Hunter	Youngblood

Nays—32

Adkins	Jackson
Bergman	James
Bourne	King
Butler of Brazos	McCalla
Colquitt	McKinney
Colson	Newton
Cooper	Olsen
Duvall	Palmer
Ford	Pope
Frazer	Reader
Good	Reed of Dallas
Gray	Roane
Hanna	Russell
Hartzog	Scarborough
Hill	Shofner
Holland	Smith

Present—Not Voting

Broadfoot	Lange
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Absent

Alsup	Caldwell
Ash	Daniel

Dunagan	Roach of Hunt
Dunlap of Kleberg	Rogers
Hunt	Spears
Jefferson	Steward
Jones of Shelby	Stovall
Lindsey	Tillery
Petsch	Venable
Riddle	Waggoner
Roach of Angelina	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Farmer offered the following amendment to Section III of the bill:

Amend House Bill No. 8, page 7, Section 3, as follows: Strike out lines 14, 15, 16, and 17, and insert therefor, "A tax of one per cent on all charges for admission to theaters, motion picture theaters, operas, and like amusements."

On motion of Mr. Howard, the amendment was tabled.

Mr. Jones of Wise offered the following amendment to Section III of the bill:

Amend House Bill No. 8, Section 3, by striking out the words "fifty-one (51) cents," wherever they appear and substitute in lieu thereof the words "twenty-six (26) cents."

JONES of Wise.

GLASS.

Mr. Farmer offered the following substitute for the amendment by Mr. Jones of Wise:

Amend House Bill No. 8, on page 7, Section 3, by striking out lines 14, 15, 16, and 17, and insert therefor these words: "A tax of one cent on each admission of 25 cents or less, which shall be paid by the owner of the show and a tax of two cents on each admission per person above 25 cents charge, which tax shall be paid by the owner of the show."

Mr. Smith moved to table the substitute amendment by Mr. Farmer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—94

Adamson	Alsup
Adkins	Ash
Aikin	Atchison

Bergman	Keefe
Bourne	Knetsch
Bradbury	Lange
Bradford	Lanning
Bridgers	Latham
Broyles	Leath
Butler of Karnes	Lemens
Canon	Lucas
Celaya	Luker
Colquitt	Mauritz
Colson	McCalla
Cowley	McConnell
Craddock	McFarland
Davison of Fisher	Moffett
Davisson	Moore
of Eastland	Morris
Dickison	Morrison
Duvall	Morse
Dwyer	Newton
England	Palmer
Fisher	Payne
Ford	Petsch
Fox	Pope
Frazer	Reader
Gibson	Reed of Bowie
Good	Reed of Dallas
Hankamer	Roach of Angelina
Hanna	Roane
Hardin	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Head	Russell
Herzik	Rutta
Hill	Scarborough
Hodges	Shofner
Hofheinz	Smith
Holland	Steward
Hoskins	Stinson
Howard	Thornton
Huddleston	Walker
Hunter	Wells
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Young
Jones of Falls	

Nays—19

Broadfoot	Harris of Archer
Burton	Jones of Wise
Cagle	Lotief
Calvert	Olsen
Davis	Patterson
Fain	Stovall
Farmer	Venable
Glass	Westfall
Graves	Youngblood
Greathouse	

Present—Not Voting

Worley

Absent

Alexander	Caldwell
Butler of Brazos	Collins

Cooper	King
Crossley	Lindsey
Daniel	McKinney
Dunagan	Nicholson
Dunlap of Hays	Quinn
Dunlap of Kleberg	Riddle
Fuchs	Roach of Hunt
Gray	Spears
Harper	Tarwater
Hunt	Tennyson
Jefferson	Tillery
Jones of Shelby	Waggoner

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. James moved to table the amendment by Mr. Jones of Wise.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—80

Adamson	Hofheinz
Adkins	Holland
Bergman	Hoskins
Bourne	Huddleston
Bradbury	Hunter
Bradford	Hyder
Bridgers	Jackson
Broyles	James
Butler of Karnes	Jefferson
Caldwell	Jones of Falls
Canon	Knetsch
Celaya	Lange
Collins	Lanning
Colquitt	Latham
Colson	Lemens
Cooper	McCalla
Cowley	McConnell
Davison of Fisher	McFarland
Davisson	Moffett
of Eastland	Moore
Dickison	Morrison
Dunlap of Hays	Morse
Duvall	Newton
Dwyer	Patterson
Fisher	Payne
Ford	Petsch
Fox	Pope
Frazer	Reader
Fuchs	Reed of Bowie
Gray	Reed of Dallas
Hankamer	Roach of Hunt
Hanna	Roane
Hardin	Roberts
Hartzog	Rogers
Herzik	Rutta
Hodges	Scarborough

Shofner	Wood of Harrison
Steward	Wood of Montague
Stinson	Young
Thornton	Youngblood
Wells	

Nays—43

Aikin	King
Alexander	Leath
Alsup	Lotief
Ash	Lucas
Atchison	Luker
Broadfoot	Mauritz
Burton	Morris
Cagle	Nicholson
Calvert	Olsen
Davis	Quinn
England	Roach of Angelina
Fain	Roark
Farmer	Russell
Gibson	Spears
Glass	Stovall
Graves	Tarwater
Greathouse	Tennyson
Harper	Tillery
Harris of Archer	Venable
Head	Walker
Jones of Wise	Westfall
Keefe	

Present—Not Voting

Palmer	Worley
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Absent

Butler of Brazos	Howard
Craddock	Hunt
Crossley	Jones of Shelby
Daniel	Lindsey
Dunagan	McKinney
Dunlap of Kleberg	Riddle
Good	Smith
Harris of Dallas	Waggoner
Hill	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Farmer moved the previous question on the passage of House Bill No. 8 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—59

Adkins	Alsup
Alexander	Ash

Bradbury	Jones of Falls
Bradford	Knetsch
Bridgers	Lange
Butler of Karnes	Latham
Cagle	Leath
Celaya	Lemens
Collins	Luker
Daniel	Mauritz
Dickison	McFarland
Duvall	Moffett
Dwyer	Newton
England	Nicholson
Farmer	Payne
Fisher	Quinn
Ford	Reader
Frazer	Roach of Hunt
Gray	Roark
Hardin	Roberts
Harris of Archer	Scarborough
Hartzog	Steward
Head	Stinson
Hill	Tarwater
Hofheinz	Tennyson
Holland	Tillery
Huddleston	Venable
Hunter	Wells
Hyder	Westfall
James	

Nays—68

Adamson	Howard
Aikin	Jackson
Atchison	Jefferson
Bergman	Jones of Wise
Bourne	Keefe
Broyles	King
Burton	Lanning
Caldwell	Lotief
Canon	Lucas
Colquitt	McCalla
Colson	McConnell
Cooper	Moore
Cowley	Morris
Craddock	Morrison
Davis	Morse
Davisson	Olsen
of Eastland	Palmer
Dunlap of Hays	Patterson
Fain	Petsch
Fox	Pope
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Graves	Rogers
Greathouse	Russell
Hankamer	Rutta
Hanna	Shofner
Harper	Spears
Harris of Dallas	Stovall
Herzik	Thornton
Hodges	Wood of Harrison
Hoskins	Wood of Montague

Worley
Young

Youngblood

Absent

Broadfoot	Jones of Shelby
Butler of Brazos	Lindsey
Calvert	McKinney
Crossley	Roane
Davison of Fisher	Smith
Dunagan	Waggoner
Dunlap of Kleberg	Walker
Hunt	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Keefe offered the following amendment to Section III of the bill:

Amend House Bill No. 8, Section 3, by striking out the figures "51 cents" and inserting in lieu thereof "36 cents."

On motion of Mr. James, the amendment was tabled.

Mr. Thornton offered the following amendment to Section IV of the bill:

Amend House Bill No. 8, Section 4, by adding at the end of said Section the following: "Provided this Act shall not apply to those transportation agencies included in the tax provisions of the Federal Social Security Act or the Federal Railroad Retirement Acts, and which agencies are included in the provisions of the Intangible Assets Tax Laws of this State."

Mr. Jones of Wise moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Thornton moved to reconsider the vote by which the above amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Jones of Wise offered the following amendment to Section IV of the bill:

Amend House Bill No. 8, Section 4, Page 7, by striking out in line 40 the word "truck"; and adding after the period on line 10 the following:

"Providing the provisions of Section 7 shall not apply to those freight carrying agencies which operate under a permit from the Texas Railroad Commission."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—92

Adkins	Jones of Falls
Aikin	Jones of Shelby
Ash	Jones of Wise
Bourne	Keefe
Bradbury	Lanning
Bradford	Latham
Broyles	Leath
Butler of Karnes	Lotief
Cagle	Mauritz
Caldwell	McConnell
Calvert	McFarland
Canon	Moffett
Collins	Morris
Colson	Morrison
Cooper	Newton
Craddock	Olsen
Davis	Palmer
Davison of Fisher	Patterson
Davisson	Payne
of Eastland	Pope
Dickison	Quinn
Dunlap of Hays	Reader
Dwyer	Reed of Bowie
England	Reed of Dallas
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roane
Ford	Roark
Fox	Roberts
Gibson	Rogers
Glass	Russell
Good	Scarborough
Gray	Smith
Hanna	Spears
Hardin	Steward
Harper	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Hartzog	Thornton
Head	Venable
Herzik	Walker
Hodges	Wells
Hofheinz	Westfall
Hoskins	Wood of Montague
Huddleston	Worley
Hyder	Youngblood
James	

Nays—27

Adamson	Duvall
Alsup	Greathouse
Atchison	Hankamer
Bergman	Hill
Bridgers	Holland
Burton	Hunter
Butler of Brazos	Jackson
Colquitt	Knetsch
Cowley	Lemens

Lucas	Shofner
Moore	Stinson
Morse	Wood of Harrison
Nicholson	Young
Rutta	

Absent

Alexander	Jefferson
Broadfoot	King
Celaya	Lange
Crossley	Lindsey
Daniel	Luker
Dunagan	McCalla
Dunlap of Kleberg	McKinney
Frazer	Petsch
Fuchs	Riddle
Graves	Tillery
Howard	Waggoner
Hunt	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Lanning moved the previous question on the passage of House Bill No. 8 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called on the above motion and the vote announced as follows:

Yeas 68, Nays 63.

Mr. Atchison requested a verification of the vote.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—64

Adkins	Hankamer
Alexander	Hardin
Alsup	Harper
Ash	Harris of Archer
Bradbury	Hartzog
Bradford	Hill
Butler of Karnes	Hofheinz
Cagle	Holland
Calvert	Howard
Collins	Huddleston
Colquitt	Hunter
Davisson	Hyder
of Eastland	Jackson
Dickison	James
Duvall	Jefferson
Dwyer	Jones of Falls
Farmer	Knetsch
Ford	Lange
Frazer	Lanning
Gray	Latham

Luker	Roane
Mauritz	Roark
McFarland	Roberts
Moffett	Scarborough
Moore	Steward
Morse	Stinson
Nicholson	Tarwater
Payne	Tennyson
Petsch	Thornton
Quinn	Tillery
Reader	Walker
Reed of Dallas	Wells
Roach of Hunt	

Nays—64

Adamson	Hoskins
Aikin	Jones of Shelby
Atchison	Jones of Wise
Bergman	Keefe
Bourne	Leath
Broadfoot	Lemens
Broyles	Lotief
Burton	Lucas
Butler of Brazos	McCalla
Caldwell	McConnell
Canon	Morris
Colson	Morrison
Cooper	Newton
Cowley	Olsen
Craddock	Palmer
Daniel	Patterson
Davis	Pope
Dunlap of Hays	Reed of Bowie
England	Roach of Angelina
Fain	Rogers
Fisher	Russell
Fox	Rutta
Fuchs	Shofner
Gibson	Spears
Glass	Stovall
Good	Venable
Greathouse	Westfall
Hanna	Wood of Harrison
Harris of Dallas	Wood of Montague
Head	Worley
Herzik	Young
Hodges	Youngblood

Absent

Bridgers	Hunt
Celaya	King
Crossley	Lindsey
Davison of Fisher	McKinney
Dunagan	Riddle
Dunlap of Kleberg	Smith
Graves	Waggoner

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

The Speaker announced that the motion for the main question was lost.

Mr. Jefferson offered the following amendment to Section IV of the bill:

Amend House Bill No. 8, Section 4, by adding after line 15, page 8, the following:

"Provided, however, that nothing herein applies to individuals, company, association, or corporation operating a bus or electric transportation system devoted solely to carrying of passengers within the city limits and immediate suburbs of any city."

JEFFERSON,
READER.

The amendment was adopted.

Mr. Pope moved that the rule governing the regular order of business, at this time, be suspended, and that the House rescind its action by which it was agreed to consider House Bill No. 8, Section by Section, for the purpose of offering the following amendment:

Amend House Bill No. 8 by striking out all after the period in line 14, page 2 and insert the following:

"Sec. 2. Imposition of the Tax—For the purpose of creating an Old Age Assistance Fund in the State of Texas, and for paying the benefits provided for in this Act, there is hereby levied and shall be collected an annual tax of one-half of one ($\frac{1}{2}$ of 1) per cent of the gross receipts on all sales at retail, less deductions allowed in Sections 6 of this Act from all persons engaged in the making of sales at retail in the State of Texas.

Sec. 3. Any person engaged in the business of making sales at retail who is at the same time engaged in some other kind of business, occupation or profession not taxable under this Act shall keep books to show separately the transactions used in determining the tax herein levied. In the event such person fails to keep such separate books, there shall be levied a tax based upon the entire gross receipts of both, or all of his businesses.

Sec. 4. The tax hereby imposed shall be payable from and after October 1, 1936, as herein provided.

Sec. 5. Licenses required for tax purposes—If any person, after the first day of October, 1936, shall engage in or conduct any business upon the gross receipts of which a

tax is imposed by this Act, he shall under such rules and regulations as the Administrator of Old Age Assistance shall prescribe apply for and obtain from such Administrator a certificate to engage in and to conduct such business for the current tax year, and such certificate shall thereby authorize the holder to engage in and conduct such business. Said certificate shall expire on the last day of the tax year next succeeding the date of its issuance, and shall be renewed annually upon the condition that the taxpayer shall pay tax accrued to the fund under the provisions of this Act. No person shall engage in, or continue any business taxable hereunder without securing a certificate.

Sec. 6. —Deductions. —(a) In computing the amount of tax levied under the provisions of this Act for any year, the taxpayer may deduct from the gross receipts taxable under this Act the sum of Five Hundred (\$500.00) Dollars, plus the amount of the gross receipts and for gross production taxes and intangible tax now annually paid. Every person exercising any privilege taxable hereunder for any fractional part of the tax year shall be entitled to a deduction of that part of the sum of \$500.00, plus the amount of the gross receipts and for gross production taxes and intangible tax now annually paid, that the period of time during which such person is engaged in such business bears to the entire year. Upon filing monthly returns provided for in this Act, a twelfth part of the deduction granted in this Section may be claimed and deducted on such returns.

(b) No person subject to a tax under this Act need include in the amount of his gross receipts used for the computation of the tax any proceeds of his business derived from sales to the United States, the State of Texas, its departments or institutions, or any of its subdivisions, or any proceeds of his business which are exempt from taxation by reason of the provisions of the Constitution of the United States, or the Constitution of Texas.

(c) All receipts obtained under the provisions of this Act shall be deposited in the State Treasury as follows (unless otherwise specifically

provided by law): one-fourth ($\frac{1}{4}$) to the credit of the "State Hospital Building Fund for the Feeble-Minded and Aged Seniles," and three-fourths ($\frac{3}{4}$) to the credit of the Texas Old Age Assistance Fund.

(d) The fund hereby allocated to the credit of the "State Hospital Building Fund for the Feeble-Minded and Aged Seniles" shall be used by the State Board of Control to build buildings and equip same to the end that the aged confined in the State Institutions and jails of Texas may be segregated and properly cared for in such necessary buildings.

Sec. 7. Additional Tax.—The tax imposed by this Act shall be in addition to all other certificate fees and taxes levied by law as a condition precedent to engaging in or conducting any business taxable hereunder, except as is in this Act otherwise specifically provided.

Sec. 8. Monthly return; computation of tax; payment.—The taxes levied hereunder shall be a personal obligation of the taxpayer and shall be due and payable in monthly installments, on or before the fifteenth day of the month next succeeding the month in which the tax accrued. The taxpayer shall, on or before the fifteenth day of each month, make out a return for the preceding month in the form required by the Administrator, showing the amount of the tax for which he is liable, and he shall mail the return, together with a remittance for the amount of the tax, to the office of the Administrator. Such monthly return shall be signed by the taxpayer or his duly authorized agent.

Sec. 9. Any person taxable under this Act, doing business wholly or partly on a credit basis, may make application to the Administrator for permission to prepare his returns on the basis of cash actually received. Such application shall be granted by the Administrator under such rules and regulations as the Administrator may prescribe. When such application is granted, the taxpayer shall thereafter until further order of the Administrator include in each return all cash received during the month preceding, and shall pay taxes on the basis of such cash receipts at the time of filing such return.

Sec. 10. Annual return; payment of tax after end of tax year.—On or before thirty days after the end of the tax year each person liable for the payment of a tax under this Act shall make an annual return in the form required by the Administrator, showing the total gross proceeds of his business for the preceding tax year, and showing the amount of tax payable by him under this Act, and, after deducting the amount of the monthly payments made during such tax year, he shall transmit the return to the Administrator, with his remittance covering the residue, if any, of the tax payable by him for the preceding tax year. Such return shall be verified by the oath of the taxpayer, or his duly authorized agent. The Administrator, for good cause shown, may extend the time for making the annual return on the application of any taxpayer. The Administrator shall, on application of any taxpayer, permit him to use as the tax year for the purpose of this Act the fiscal year used in the ordinary course of his business instead of the fiscal year of the State of Texas.

Sec. 11. Consolidated Returns.—Any person engaging in two or more places in the same business or businesses of like character taxable under this Act, shall file a consolidated return covering all such business activities engaged within this State and shall be entitled to deduct one exemption only in the amount of Five Hundred Dollars, as allowed in Section 39.

Sec. 12. Examination of returns; Determination of tax; Deficiency assessments.—As soon as practicable after each return is filed the Administrator shall examine it. If it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be re-computed and the correct tax determined. If the amount paid exceeds that which should have been paid on the basis of the tax so re-computed, the excess so paid shall be credited against a subsequent tax or shall be refunded if requested by the taxpayer.

Sec. 13. If the amount paid is less than the amount which should have been paid, the deficiency shall become due and payable after notice and hearing as herein provided.

Sec. 14. If any part of the deficiency is due to negligent or intentional disregard of this Act, or of authorized rules and regulations of the Administrator, but without intent to defraud, there shall be added as a penalty ten per cent of the total amount of the deficiency in the tax, and interest shall be collected at the rate of one per cent per month on the amount of such deficiency in the tax from the time it was due, which interest and penalty shall become due and payable after notice and hearing as hereinafter provided.

Sec. 15. If any part of the deficiency is due to a fraudulent intent to evade the tax, then there shall be added as a penalty one hundred per cent of such deficiency and, in such a case, the whole amount of tax unpaid, together with the penalty, shall become due and payable after notice and hearing as hereinafter provided, and an additional one per cent per month on the tax shall be added from the date such tax was due until paid.

Sec. 16. Whenever notice is required under the provisions of this Act, such notice shall be given either by personal service or by registered mail addressed to the last known address of the taxpayer.

Sec. 17. No deficiency, interest or penalty shall be assessed for any year after the expiration of three years from the date set for the filing of the annual return for such year.

Sec. 18. Remittances.—All remittances of taxes imposed by this Act shall be made to the Administrator by bank draft, check, cashier's check, money order, certificate of deposit or money. The Administrator shall issue his receipt, and shall forthwith deposit all moneys received in the State Treasury, where it shall be credited as in this Act provided; provided that no remittance other than cash shall be a final discharge of liability for the tax herein assessed and levied unless and until it has been paid in cash.

Sec. 19. Failure to make return.—If any person fail or refuse to file a return, the Administrator shall proceed to assess the tax against such person and shall notify him of the amount thereof. Such tax shall become due and payable after notice and hearing as hereinafter provided.

Sec. 20. As soon as possible after procuring such information, the Administrator shall proceed to assess the tax against such person, and shall notify him of the amount hereof. Such tax shall become due and payable after notice and hearing as hereinafter provided.

Sec. 21. In case of failure to file any return required by this Act, within the time prescribed by this Act, or prescribed by the Administrator in pursuance of the provisions of this Act, twenty-five per cent of the tax shall be added as a penalty; provided, that when a return is filed after such time and it is shown that the failure to file it was due to reasonable cause, and not due to wilful neglect, no such addition shall be made to the tax. The amount so added shall be collected as a part of the tax.

Sec. 22. Tax debt due State; Collection.—(a). If the tax imposed by this Act is not paid on the date the same is required to be paid under the provisions of this Act, the Administrator, or some person designated by him, may cause a demand to be made on the taxpayer for the payment thereof. If such tax remains unpaid for ten days after such demand has been made and no proceedings have been taken to review the same, the Administrator may issue a warrant under the official seal of his office, directed to the sheriff of any county of the State, or to any State officer authorized to serve process, commanding said sheriff or other officer to levy upon and sell the property of the taxpayer, used in connection with the business for the privilege of doing which the tax is levied, found within his jurisdiction, for the payment of the amount thereof with the added penalties, interest and the cost of executing the warrant shall be returned to the Administrator, together with the money collected by virtue thereof within the time therein specified, which shall not be less than twenty (20) nor more than ninety (90) days from the date of the warrant. The sheriff or other officer to whom such warrant shall be directed shall proceed upon the same in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against property

upon judgments by a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. The State of Texas, through the Administrator, or some officer or agent designated by him, is hereby authorized to bid for and purchase any property sold under the provisions hereof.

Sec. 23. In addition to the mode of collection provided herein, the Administrator may bring an action at law in the county in which the business or any part thereof is carried on, to collect and recover the amount of taxes, interest and/or penalties due from any taxpayer.

Sec. 24. Tax lien; Sale of business. The tax and any interest or penalties imposed by this Act shall be a lien upon the property of the taxpayer used in connection with the business for the privilege of doing which the tax is imposed. If any person liable for a tax levied hereunder shall sell out his business or stock of goods, or shall quit the business, such person shall make a final return within fifteen (15) days after the date of selling or quitting business. His successor, if any, shall be required to withhold sufficient of the purchase money to cover the amount of such taxes and interest or penalties due and unpaid until such time as the former owner shall produce a receipt from the Administrator showing that they have been paid, or a certificate stating that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, he shall be personally liable for the payment of the taxes, interest and penalties accrued and unpaid on account of the operation of the business by the former owner.

Sec. 25. Jeopardy assessment. If the Administrator finds that a person liable for tax under any provisions of this Act resigns quickly to depart from the State, or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings be brought without delay, the Administrator shall cause notice of such finding to be given such person,

together with a demand for an immediate return and immediate payment of such tax. Thereupon such tax shall become immediately due and payable. If such person (1) is not in default in making any return or paying any tax prescribed by this Act, and (2) furnishes evidence satisfactory to the Administrator under regulations to be prescribed by the Administrator, that he will duly return and pay the tax to which the Administrator's finding relates, then such tax shall not be payable prior to the time otherwise fixed for payment.

Sec. 26. Corporation; Dissolution; Withdrawal.—The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State, or organized under the laws of another State, and admitted to do business in this State, until the receipt of a notice from the Administrator to the effect that all taxes levied under this Act against any such corporation have been paid, or until he shall be notified by the Administrator that the applicant is not indebted for any taxes levied hereunder.

Sec. 27. Failure to obtain license or pay tax; Injunction.—Any person against whom a tax shall be assessed as herein provided may be restrained and enjoined by proper proceedings instituted in the name of the State of Texas, brought by the Attorney General at the request of the Administrator, from engaging and/or continuing in a business for which a privilege tax is required by the provisions of this Act, until such tax shall have been paid, and/or license secured, and until such person shall have complied with the provisions of this Act. Venue for such suits shall be fixed in Travis County, or in the county in which the taxpayer resides.

Sec. 27a. Records and special returns.—Every person liable to any tax imposed by this Act, shall keep such records, render oath to such statements, make such returns, and comply with such rules and regulations as the Administrator may from time to time prescribe. Whenever in the judgment of the Administrator it is necessary, he may require

any person by notice served upon him, to make a return, render under oath such statements, or keep such records, as the Administrator deems sufficient to show whether or not such person is liable to tax under this Act.

Sec. 28. Administrator, or deputies, may subpoena witnesses.—The Administrator may himself, or by his duly appointed deputies and agents, examine the books, records and papers of any person subject to taxation under this Act. The Administrator, or any of his deputies or agents, may issue a subpoena requiring any person to appear before him to be examined with reference to any matter within the scope of the inquiry or investigation being conducted by such Administrator, or his deputy, and to produce any books, records or papers pertaining thereto. The Administrator, or any deputy, may administer an oath to any witness concerning any matter before the Administrator. In case of disobedience of a subpoena the Administrator, or his deputy, may invoke the aid of any district court in the State of Texas in requiring the attendance and testimony of witnesses, and the production of books, papers and documents. And any of the district courts of this State, in case of refusal to obey a subpoena, may issue an order requiring such person to appear before said Administrator, or deputy, and to produce books and papers, if so ordered, and any evidence touching the matter in question, and any failure to obey such order of the court may be punished by said court as in contempt thereof.

Sec. 29. Testimony; Immunity;—No person shall be excused from testifying or from producing any books, papers, records or memoranda in any investigation, or upon any hearing, when ordered to do so by the Administrator upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him, or subject him to a criminal penalty; but no person shall be prosecuted or subjected to any criminal penalty for, or on account of, any transaction made or thing concerning which he may testify or produce evidence, documentary or otherwise, before the Administrator,

or his agent. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 30. The Administrator shall publish annually a report containing his rulings and orders, and said report shall include such statistical information of a general character as may be deemed of general interest. Unless, in accordance with a judicial order, the Administrator, his agents or employees, or former Administrator, his agent or employees, shall not divulge any facts or information obtained in connection with the administration of that portion of this Act pertaining to the tax herein levied, and all reports filed by the taxpayer shall be considered and deemed privileged and confidential information.

Sec. 31. Appeal; Correction of Assessment; Injunction.—If the Administrator, after examining the return of any taxpayer, determines that the taxpayer is indebted to the State by reason of a deficiency accompanying such writ, the Administrator shall give such taxpayer notice of the intention to levy such deficiency. Such taxpayer may, if he so desires, and serves notice thereof upon the Administrator within twenty (20) days, demand a hearing on the question of the levy of such deficiency. Thereupon, the Administrator shall set a time and place for hearing and shall give the taxpayer reasonable notice thereof.

Sec. 32. The taxpayer shall be entitled to appear before the Administrator and be represented by counsel, and present testimony and argument. After the hearing, the Administrator shall render his decision in writing and by order levy any deficiency found by him to be due and payable.

Sec. 33. If any taxpayer is aggrieved by any decision of the Administrator, he shall be required to pay the amount of the taxes, interest and penalties found to be due by the Administrator, and shall be permitted to bring an action in the district court in the county in which the business, on the gross receipts of which the tax is levied, is carried on, to recover the amount of the taxes alleged to have been unlaw-

fully levied upon him. Such action shall be conducted in accordance with the statutes and rules of procedure now applicable to civil suits in the State of Texas. The taxes paid by such aggrieved taxpayer on such deficiency shall be deposited with the State Treasurer in the "Suspense Account" and shall be so held by the Treasurer pending the final determination of said suit.

Sec. 34. Any action brought under the preceding section shall be against the State of Texas, and citation shall issue thereon to the Administrator, and to the County Attorney of the county in which said suit is brought.

Sec. 35. In the event any taxpayer is found entitled to recover any sums paid pursuant to the orders of this Administrator, as hereinbefore provided, such sums shall be paid from the Suspense Account on order of the Administrator and upon the warrant of the Comptroller.

Sec. 36. No injunction shall issue to stay proceedings for assessment or collection of any taxes levied under this Act.

Sec. 37. Offenses; Penalties.—It shall be unlawful for any person to refuse to make the return required by this Act, or to make any false or fraudulent return, or any false statement in any return, with intent to defraud the State, or to avoid the payment of the tax, or any part thereof, imposed by this Act, or for any person to aid or abet another in any act to evade payment of the tax, or any part thereof, imposed by this Act, or for the president, vice-president, secretary, treasurer, or any officer or employee of any company to make or permit to be made for any company, corporation or association any false return, or any false statement in any return required in this Act, with the intention to evade the payment of any tax hereunder.

Sec. 38. Persons violating any of the provisions of this Act shall be guilty of a felony and on conviction thereof shall be imprisoned in the State Penitentiary for a period of not less than one nor more than five years. In addition to the foregoing penalty, any person who shall knowingly swear to or verify any false or fraudulent statement with

the intent aforesaid, shall be guilty of the offense of false swearing, and on conviction thereof shall be punished in the manner provided by law.

Sec. 39. Any person who shall engage in any business in this State which is taxable under this Act, and who fails to secure from the Administrator a certificate to engage in such business after a certificate to do so shall have expired, or shall have been suspended by the Administrator, with the intent to defraud the State, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Sec. 40. The Administrator shall have the power, after a hearing, to suspend the certificate of any person who shall violate or fail to comply with any provisions of this Act, or any rule or regulation promulgated by the Administrator, pursuant to the provisions of this Act. The Administrator shall have the power to restore certificate after suspension. If any person shall engage in business taxable under this Act while his certificate is in suspense, the tax imposed with respect thereto shall nevertheless be imposed and be payable with respect to such business.

Sec. 41. The sums of money received and collected under the provisions of this Act shall be deposited by the Administrator in the State Treasury to the credit of the Old Age Assistance Fund hereby authorized to be set up for said purpose."

The following amounts are hereby appropriated from said fund for the specific uses and purposes set forth, as follows:

"1. To the Administrator of Old Age Assistance for the fiscal years ending August 31, 1936 and August 31, 1937, the amount necessary to defray the expenses of administering this Act, not to exceed two per cent of the total revenues derived under the provisions of this Act.

2. A sufficient sum of money to pay the Old Age Assistance Compensation as provided for under the terms of this Act.

3. If, on August 31st, 1937, or on any succeeding August 31st thereafter, any funds remain in said Old Age Assistance Fund after the payment of the expenses of the administration of this Act, as herein provided, and after payment of the maximum amount of old age assessments provided for under the terms of this Act, any residue which remains in said Fund shall revert to the General Fund of the State of Texas. In determining the amount of such residue, the State Treasurer shall take into account and make allowance for any outstanding warrants previously issued."

Sec. 42. Definitions. That when used in the tax sections of this Act, the following definitions shall be applied:

(a) The term "person" includes any individual, firm, co-partnership, joint adventure, association, corporation, company, estate, trust, or any other group of combination acting as a unit, and the plural, as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) The term "sale at retail" means any transaction by which is transferred for a consideration the ownership of tangible personal property when such transfer is made in the ordinary course of the transferor's business and is made to the transferee for consumption or use, or for any other purpose than for resale in the form of tangible personal property. The term "sale at retail" includes conditional sales, installment lease sales, and any other transfer of such property when the title is retained as security for the purchase price but is intended to be transferred later.

(c) The term "sale at retail" shall not include an isolated transaction in which any tangible property is sold, transferred, offered for sale, or delivered by the owner thereof, or by his representative for the owner's account, such sale, transfer or offer for sale, or delivery, not being made in the ordinary course of repeated and successive transactions of a like character by such owner, or on his account by such representative; and shall not include sales by the producer of farm products, livestock or livestock pro-

ducts, dairy products or poultry or poultry products.

(d) The term "sale at retail" includes also the sale of electricity for light, heat and power, and the sale of natural and artificial gas when made to the consumer or user for consumption or use, rather than for re-sale.

(e) All interest collections on loans or debts bearing a rate of five and one-fourth per cent per annum or more, all rentals, bus fares, truck rates, real estate commissions, brokers' charges, and pipe-line charges shall be deemed retail business within the meaning of this section and shall be taxable.

(f) The furnishing of the following services shall be deemed to be sales at retail and shall be taxable; washing and greasing of automobiles and furnishing materials therefor; storing automobiles for hire, mechanical work and repairs on automobiles and other machines; barber shops, beauty parlors and services obtained therein; cleaning, dyeing, pressing, alteration, repair, valet and laundry services of wearing apparel and articles of all description; funeral directing and embalming; photography in all forms; adjustment and credit bureaus and collecting agencies; blueprinting and photostatic laboratories; broadcasting stations; cartage and trucking establishments; linen supply service; storage warehouses; automobile painting; electrical repair and construction of all kinds; mattress renovating; plumbing and heating repairs; radio repairs; tin and sheet metal repairs; upholstery and furniture repairs; watch, clock and jewelry repairs; welding shops and repair work; billiard, pool and bowling alley parlors; advertising agencies and billboard and newspaper advertising; sign painting; preparing and selling abstracts of title or certificates of title guarantees and title insurance. for, whatever purpose such abstracts of title, certificate of title, title guaranty or title insurance may be used; contracting to erect, build, construct, repair or maintain any building house, bridge, paving, roadway, walk, railroad, excavation of any character, embankments of any character and dams; inn keeping, which shall include the operation of

hotels, tourist camps and restaurants, either separately or in conjunction with each other; coin operated machines; marble machines, phonographs, electrical pianos, electrical batteries, graphaphones, weighing machines, target pistols, miniature golf machines, miniature football machines, miniature baseball machines, miniature race track machines, sterescope machines, gum machines, candy machines, handkerchief machines, sandwich machines, or any other class or kind of machines whether operated by coin, slug or check which is used for the purpose of operating games for amusement or for vending merchandise or for any similar purpose, whether enumerated or not, where a fee is charged, pay toilets, machines vending U. S. postage stamps and machines vending sanitary drinking cups.

(g) The term "sale at retail" includes any transaction or service and shall be taxable; any place of amusement which charges a price or fee for admission, including exhibition in theatres, motion picture theatres, opera halls, and including pugilistic, fistic or wrestling exhibitions or contests, and including horse racing, motorcycle racing, automobile racing, shooting galleries and like contests and exhibitions, and including football games, baseball games, tennis matches, golf tournaments and all other like games or exhibitions, and including dance halls, skating rinks and any and all other like places of amusement; loaning money on automobiles, mechanical refrigeration and radios or operating any finance agency or company which deals, operates or makes a practice of loaning money on automobiles, mechanical refrigeration and radios covered by mortgages.

(h) The term "sale at retail" includes also the sale and supply of all services and transactions, rendered or delivered or made to the consumer or user for consumption or use, whether herein named or enumerated or not, including those which now pay a Gross Receipt and/or Gross Production Tax, or Intangible Tax, and insurance premiums on policies hereafter written.

(i) The term "gross receipts" means the amount received in money, credits, property or other

thing of value in consideration of sale at retail within this State, without any deduction on account of the cost of the property sold, the cost of materials used, the cost of labor or services purchased, amounts paid for interests or discounts, or any other expenses whatsoever, nor shall any deduction be allowed for losses, credits or refunds. The sale price of returned goods may be deducted.

(j) The term "business" includes all activities engaged in by any person, or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

(k) The term "tax year" or "taxable year" means the fiscal year of the State of Texas, or the taxpayers' fiscal year, when permission is obtained by him from the Administrator to use his fiscal year as the tax period in lieu thereof.

(l) The word "taxpayer" means any person liable for any tax hereunder.

(m) The word "tax" shall include all taxes, interest or penalties levied under this Act.

Sec. 43. The Administrator shall have the authority to prepare such forms as may be necessary for the Administration of this Act, and to promulgate rules and regulations, not inconsistent with the provisions hereof for the purpose of placing same into effect.

Sec. 44. Each section of this Act, and each sub-section, sentence, clause and phrase is hereby declared to be independently operative, and if any section, sub-section, sentence, word, clause or phrase of this Act shall be declared invalid by any court of competent jurisdiction, it shall not effect or invalidate the remainder of this Act.

Sec. 45. All laws or parts of laws in conflict herewith are hereby repealed and the Old Age Assistance Bill passed by the State Legislature at its Second Called Session in 1935 is hereby modified and changed to comply with the provisions hereof and be limited by the terms hereof.

Sec. 45a. The State Banking Board under its power of regulation, control and supervision of State Banking Corporations and Bank and Trust Companies is hereby author-

ized, under such regulations as it may prescribe, to obtain from any Bank or Trust Company in this State or from any other source in amount equal to \$3,000,000 for the month of October, and \$3,000,000 for the month of November, and \$3,000,000 for the month of December, 1936, and place same to the credit of the Old Age Assistance Fund, and that as and when the taxes provided in this Act are paid into said Old Age Assistance Fund the same shall be credited on the amounts placed in said Old Age Assistance Fund by said State Banking Board, and as and when said amounts are so credited such amounts shall be returned to the said State Banking Board for the repayment of said \$3,000,000 supplied for the months of October and November, and \$3,000,000 supplied for the month of December until said borrowed amounts shall have been fully repaid. If the taxes collected hereunder and paid over to said Old Age Assistance Fund be sufficient to make it unnecessary to secure any or a part of said funds from said Banking Board, only such amount shall be obtained from said Banking Board as herein provided as may be necessary.

Sec. 46. The fact that the citizens of Texas by their recent overwhelming vote have expressed their desire to give the citizens of this State past the age of 65 years the assistance herein granted, and the further fact that there are many citizens who are over the age of 65 years and who are unemployed and do not have sufficient funds to buy the actual necessities of life, and they are in actual need at this time, creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three separate days in each house, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question recurring on the motion by Mr. Pope, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—25

Alsup
Bergman

Bradford
Butler of Karnes

Caldwell
Cooper
Davis
Duvall
Glass
Good
Greathouse
Hankamer
Hardin
Hyder
Lindsey

Morse
Pope
Roach of Hunt
Roane
Rogers
Russell
Rutta
Scarborough
Walker
Westfall

Nays—93

Adamson
Adkins
Aikin
Alexander
Ash
Atchison
Bourne
Bradbury
Broadfoot
Bridgers
Broyles
Burton
Cagle
Calvert
Canon
Colson
Craddock
Crossley
Daniel
Davison of Fisher
Davisson
of Eastland
Dickison
Dunlap of Hays
Dwyer
England
Fain
Farmer
Fisher
Ford
Frazer
Fuchs
Gibson
Gray
Hanna
Harper
Harris of Archer
Harris of Dallas
Hartzog
Head
Hodges
Hofheinz
Holland
Huddleston
Hunter
Jackson
James

Jefferson
Jones of Falls
Jones of Wise
Keefe
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Lotief
Lucas
Mauritz
McCalla
McConnell
McFarland
Moffett
Morris
Morrison
Olsen
Palmer
Patterson
Payne
Petsch
Quinn
Reader
Reed of Bowie
Reed of Dallas
Roach of Angelina
Roark
Roberts
Shofner
Smith
Spears
Steward
Stinson
Stovall
Tarwater
Tennyson
Thornton
Tillery
Wells
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Present—Not Voting

Herzik

Venable

Absent

Butler of Brazos	Howard
Celaya	Hunt
Collins	Jones of Shelby
Colquitt	King
Cowley	Luker
Dunagan	McKinney
Dunlap of Kleberg	Moore
Fox	Newton
Graves	Nicholson
Hill	Riddle
Hoskins	Waggoner

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Knetsch offered the following amendment to Section IV of the bill:

Amend House Bill No. 8, Section 4, page 8, line 14, by striking out the figures ($\frac{1}{4}$) and insert in lieu thereof the figures ($\frac{3}{8}$).

The amendment was adopted.

Mr. Morrison offered the following amendment to Section IV of the bill:

Amend House Bill No. 8, Section 4, page 7, by striking out in line 40 the word "bus".

The amendment was adopted.

Mr. Dunlap of Hays offered the following amendment to Section IV of the bill:

Amend House Bill No. 8 by adding a new Section No. 4-A following Section No. 4 to read as follows:

"Section 4-A: That every person, firm, company, partnership, or corporation, or association loaning money on automobiles, mechanical refrigeration and radios or operating any finance agency or company which deals, operates or makes a practice of loaning money on automobiles, mechanical refrigeration and radios covered by mortgages shall make quarterly, on the 1st day of January, April, July, and October of each year a report to the State Comptroller, sworn to by such person before an officer authorized to administer oaths in this State; or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer on such form as the Comptroller shall prescribe; at the time of making said report such person shall pay to the Treasurer of the State of Texas an occupation tax for the quarter end-

ing on said date, shall have and there is hereby levied a registration fee on such mortgage, as follows:

"On any amount of One Hundred (\$100) Dollars or fractional part thereof, twenty (20) cents;

On any amount from One Hundred (\$100) Dollars to Two Hundred (\$200) Dollars inclusive, forty (40) cents;

On any amount from Two Hundred and One (\$201) Dollars to Three Hundred (\$300) Dollars inclusive, sixty (60) cents;

On any amount from Three Hundred and One (\$301) Dollars to Four Hundred (\$400) Dollars inclusive, eighty (80) cents;

On any amount from Four Hundred and One (\$401) Dollars to Five Hundred (\$500) Dollars inclusive, One (\$1.00) Dollar;

On all above Five Hundred (\$500) Dollars, One Dollar and Twenty (\$1.20) cents."

Mr. Russell offered the following substitute for the amendment by Mr. Dunlap of Hays:

Sec. 4A. Every person firm, company partnership corporation, or association of persons loaning money on automobiles or operating any financial agencies or companies, which deals, operates or makes a practice of loaning money on automobiles governed by mortgages or other evidences of indebtedness, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual and of the president, treasurer and superintendent of such company, corporation or association, showing the gross amount of mortgages or other evidences of indebtedness so acquired during the preceding quarter. Said individual, company, corporation or association, at the time of making said report shall pay to the Treasury of this State an occupation tax for the quarter beginning on said date equal to one and one-half ($1\frac{1}{2}\%$) per cent of said gross receipts as shown by said report.

On motion of Mr. Dunlap of Hays, the substitute amendment was tabled.

On motion of Mr. James, the amendment by Mr. Dunlap of Hays, was tabled.

Mr. Pope moved that the rule governing the regular order of business, at this time, be suspended, and that the House rescind its action by which

it was agreed to consider House Bill No. 8, Section by Section, for the purpose of offering the following amendment:

Amend House Bill No. 8, by striking out all after the enacting clause except Sections 21 and 22, and insert the following:

Section 1. Creation of Fund.—There is hereby created a fund to be known and designated as "The Old Age Assistance Fund of the State of Texas" to be created, managed and disbursed as hereafter set out in this Act.

Sec. 2. To Whom Granted.—(a). Subject to the limitations, restrictions and regulations contained in this Act and by law, each actual bona fide citizen of the State of Texas over the age of Sixty-five (65) years shall be eligible to receive from the fund hereby created not to exceed the sum of Fifteen (\$15.00) Dollars per month.

(b). No habitual criminal, no habitual drunkard (while such habitual drunkard), and no inmate of any State supported institution (while such an inmate), shall be eligible for such Old Age Assistance.

(c). No person, regardless of age, shall be eligible to receive such Old Age Assistance unless and until such person has actually resided within the State of Texas for a period of not less than five (5) years during the nine (9) years immediately preceding the filing of his or her application for Old Age Assistance, as hereinafter provided, and until such applicant shall have continuously resided within this State for at least one year immediately preceding such application.

(d). The terms "residence" and "resided" as used in paragraph "c" of Section 2 of this Act shall denote actual physical presence within this State as distinguished from the words "domicile" and "residence" as used in their broader meaning.

Sec. 3. Application Requirements. (a). Persons entitled to such assistance under the terms of this Act shall make application for same in writing and under oath, and file the same with the County Clerk of his or her county. Such application shall contain the name, age, date of birth, residence of the applicant, mailing address and occupation; said application shall give

the place, or places, of residence of the applicant during the ten years immediately preceding the filing of the application and the time of such residence, the name of the parents of the applicant, and if living, the place of residence of each. If the parent or parents of such applicant are dead, then said application shall state the place of burial of such deceased parent, or parents. Such application shall be prepared in triplicate and all of said copies shall be filed with the County Clerk.

(b). Upon the filing of said application, the County Clerk shall docket said cause in a bound book provided for that purpose which shall be known as the "Pension Docket". Upon filing of said application the County Clerk shall forthwith transmit one of the copies of such application to the County Judge of said County, who shall proceed to hear the same.

Sec. 4. Hearing upon Application.—

(a). In the event that the County Judge is satisfied as to the correctness of the facts set forth in said application, and that said application meets the requirements of this Act, he shall endorse his approval on said application and note same upon the "Pension Docket."

(b). In the event the County Judge is dissatisfied with the application, or the facts therein alleged, he shall set same for hearing and shall have authority to subpoena witnesses, to interrogate them, and to make such investigations as to said County Judge may seem proper.

Sec. 5. Transmittal of Record.—Upon the approval of such application by the County Judge as herein set out, the County Clerk shall transmit said application, together with the approval of the County Judge, to the Administration of Old Age Assistance, at Austin, Texas. A certificate of the Clerk shall accompany said application and order of approval, and said certificate shall set forth all facts necessary to show that said application is authentic and has been duly approved by the County Judge.

Sec. 6. (a). In the event that any application so filed and presented to the county judge is disapproved and rejected by the county judge, such applicant shall be entitled to and shall have an opportunity to present his application as an appeal to the Admin-

istrator of Old Age Assistance, who shall give a full and fair hearing to such applicant, and in the event such Administrator finds that the county judge has erred in his conclusions, then such application shall stand approved, and shall be placed upon the rolls of those entitled to Old Age Assistance, as hereinafter provided.

(b). The county clerk and county judge shall be entitled to receive the sum of One (\$1.00) Dollar each for his services in filing and docketing said application, and passing thereon, and in transmitting same to the Administrator, and no other fee shall be charged by said clerk and judge for services required herein. Said fee shall be paid to the county clerk and county judge by the applicant. Any county clerk, or county judge, who shall charge any sum greater than the sum of One (\$1.00) Dollar in each case shall be guilty of the offense of extortion, and be punished as provided under the extortion statute of this State.

Sec. 7. Receipt, Filing and Approval of Application.—Upon receipt of the application, order of approval and certificate, as required in Section 5 of this Act, the Administrator of Old Age Assistance shall carefully examine the same and if found to be correct and in compliance with law he shall file the same, approve the application, and place the name of such applicant upon the roll of those entitled to Old Age Assistance, as provided in this Act. In the event the Administrator finds that said application is defective in any respect, or fails to meet the requirements of the law, such application, order of approval and certificate shall be returned to the county clerk transmitting the same. A letter shall accompany such application, order of certificate, setting forth wherein same fails to meet such requirements, and same shall be subject to amendment and correction. A copy of such letter shall be sent by the Administrator to the applicant at the address shown in such application.

Sec. 8. Time of Payment.—The payments herein provided for Old Age Assistance shall be made quarterly. The first payment hereunder shall be made on October 30, 1936, and similar payments quarterly thereafter on the 30th day of January, April, July and October.

Sec. 9. Determination and Allocation.—(a). The amount of money in the Old Age Assistance Fund accumulated as by law provided, shall be determined as of the First day of October, 1936, and as of the First day of January, April, July and October thereafter. If such amount be sufficient to pay each and every person whose name appears upon the roll for Old Age Assistance, a sum equal to Fifteen (\$15.00) Dollars per month, then a warrant shall be issued to such person for said amount in the manner hereinafter provided. In the event said Fund is insufficient to pay the full sum of Fifteen Dollars per month, as above set forth, then the amount of money to the credit of said Fund for each quarter as of the First day of each April, July, October and January shall be distributed to the persons whose names appear on said roll on a pro rata basis.

(b). The rights to payments from said Fund shall be determined either as of October 1, 1936, or the date of the placing of the name of the applicant on the roll, whichever date is the later. In the event that the application, approval and enrollment has occurred in such a manner as to entitle the person, whose name is so enrolled, to assistance for only a portion of a quarter, then such person shall be entitled to receive such assistance from the date of such enrollment, and shall share ratably with the other persons enrolled on the basis of such time remaining in said quarter.

(c). Not later than the 15th day of each October, January, April and July, after the taking effect of this Act, the Administrator shall supply to the Comptroller of Public Accounts a list taken from the rolls herein provided, setting forth the name and postoffice address of each person entitled to assistance under the terms of this Act, together with the amount due to each such person for the quarter ending on the last day of the preceding month. The list so prepared shall be certified to by the Administrator and the correctness thereon shall be sworn to by such Administrator and the person who actually supervises the preparation of such list.

(d). Upon receipt of the certified list provided for under paragraph "c" of this section, the Comptroller shall immediately draw warrants on the Treasury of the State of Texas against

the Old Age Assistance Fund. When same have been prepared, signed and registered, such warrants shall be delivered by the Comptroller to the Administrator, who shall verify the same, and mail the warrants to the respective payees at the address disclosed by the records in the office of the Administrator.

Sec. 10. Incompetence of Claimant.—If it shall come to the attention of the Administrator, upon the testimony of credible or reputable witnesses, that any person receiving Assistance is incompetent to take care of himself, or his money, the Administrator may direct the payment of such installment to be made to any responsible person or corporation, for his benefit, provided the persons or corporation to whom such payment is made shall be designated with the advice and consent of the county judge of the county in which such incompetent person may reside.

Sec. 11. If, at any time, the Administrator, or his Assistants, shall have reason to believe, by reason of complaint or otherwise, that Old Age Assistance has been improperly granted, he shall cause an investigation to be made, and if it appears, or if the Administrator has reason to believe as a result of such investigation that the assistance was improperly granted, all payments shall temporarily cease. Such person so receiving assistance which has been the subject of an investigation, as herein provided, shall be given notice of the temporary suspension of payments, and shall be given an opportunity to show cause why same should not be permanently discontinued. If, upon hearing, the Administrator shall conclude that aid was improperly granted to such person, future payments shall be forfeited and the name of such person shall be stricken from the roll by the Administrator.

Sec. 12. Assistance payments not subject to Debts.—Assistance payments under this Act shall not be assignable, and shall not be subject to garnishment or any other legal writ.

Sec. 13. Fraud in procuring.—Any person who, by means of any wilfully false statement, representation, or by impersonation, or other fraudulent device, obtains or attempts to obtain, or any person who aids and abets any person to obtain assistance to which he is not entitled, shall be guilty of a

felony, and on conviction shall be confined in the State Penitentiary for a term of not less than two nor more than five years.

Sec. 14. Any person convicted of the offense defined under Section 13 of this Act shall be perpetually barred from participating in any future disbursement of the funds herein created.

Sec. 15. Statewide Application.—This Act shall be a general law, and shall apply alike to each and every political subdivision of this State.

Sec. 16. State shall participate.—The State shall financially participate in the raising of the Fund as herein provided.

Sec. 17. Administration.—This law for Old Age Assistance shall be administered by the Administrator of Old Age Assistance, who shall administer this law and supervise its enforcement.

Sec. 18. Reports to Social Security Board.—It shall be the duty of the Administrator to make such reports as shall be required by the Social Security Board of the United States, same to be in such form and contain such information as said Board may from time to time require; and said Administrator shall, from time to time, comply with such requirements as may be made by said Board not inconsistent with this Act as said Board may find necessary to insure correctness and verification of the reports made to such Board.

Sec. 19. Disposition of Estate Taxes.—Any sums of money collected by the State of Texas, or political subdivision thereof, from the estate of any recipient of Old Age Assistance under the terms of this Act with respect to Old Age Assistance furnished under this plan shall be divided after the net amount thereof has been determined, and one-half thereof shall be paid promptly to the United States, and be deposited in the United States Treasury, the remaining amount shall be deposited with the Treasurer of the State of Texas, to the credit of the Old Age Assistance Fund herein created.

Sec. 20. Acceptance of Federal Aid.—The State of Texas hereby accepts the provisions and benefits of the "Social Security Act" enacted by the Congress of the United States, and the Administrator of Old Age Assistance

shall be and he is hereby authorized to accept such grants of Federal funds for the purpose of this Act as shall be granted to the State of Texas by the Federal Government and/or the Congress of the United States.

Sec. 21. Federal grants to be in addition to the funds herein granted. The payments herein made under the terms and limitations set forth in this Act shall not be dependent upon any grant made to the State of Texas by the Federal Government, but same shall be in addition and supplemental to such grants. The Administrator shall administer such Federal grants, if any, allotted to the State of Texas by reason of this Act under such rules and regulations as the Social Security Board may promulgate, and in conformity with this Act.

Sec. 22. Office of the Administrator.—For the purpose of administering this law there is hereby created the office of Administrator of Old Age Assistance, who shall maintain his office in the Capitol, or in some State-owned office building in the City of Austin, and it shall be the duty of the Board of Control to supply and furnish to such Administrator adequate and sufficient office space for the uses of said Administrator and his employees.

Sec. 23. Appointment.—By and with the advice and consent of the Senate, the Governor shall biennially appoint an Administrator of Old Age Assistance. The term "Administrator" as used in this Act shall mean the Administrator of Old Age Assistance.

Sec. 24. Term of Office.—The term of office of such Administrator shall commence on October 1, 1936, and expire on December 31, 1937.

Sec. 25. Vacancy.—Any vacancy in said office shall be filled by the Governor and he shall report the name of the person so appointed to the Senate, if in session, or at the next succeeding session of the Legislature. Should the Senate fail to confirm the appointment made by the Governor within ten days after being advised thereof, then the said office shall be deemed vacant, and a new appointment shall be made in the same manner until the office is filled.

Sec. 26. Oath and Bond.—Within ten days after notice of his appoint-

ment, and before assuming the duties of his office, said Administrator shall take the oath of office provided by the Constitution of this State, and shall give bond payable to the State of Texas in the sum of Fifty Thousand (\$50,000.00) Dollars, to be approved by the Governor. Said bond shall be made by a Surety Company, as surety, and be conditioned upon the faithful discharge of duty. The premium upon said bond shall be paid by the State of Texas from the Fund hereby created, and shall be an expense of administering this law.

Sec. 27. Qualifications.—Such Administrator shall be not less than thirty-five (35) years of age at the date of his appointment. He shall be a resident citizen of the State of Texas and shall have resided within the State for at least ten (10) years prior to the date of his appointment, and he shall not be the occupant of any state office at the time of his appointment, nor have occupied any state office for a period of one year prior thereto, other than as Old Age Administrator or Commissioner.

Sec. 28. Compensation of Administrator.—The Administrator shall receive as compensation the sum of Five Thousand (\$5,000.00) Dollars per annum, payable in twelve (12) equal installments. The salary and compensation of the Administrator, his deputies and assistants, as well as necessary traveling and other expenses, shall be paid from the Fund hereby created, but in no event shall the total expense of the administration of this law exceed two (2%) per centum of the fund so administered.

Sec. 29. Deputy Administrator.—The Administrator may appoint a competent Deputy Administrator to be known and designated as "Chief Deputy Administrator," who shall possess all the powers and perform all the duties attached by law to the office of Administrator during the necessary or unavoidable absence of the Administrator, or his inability from any cause to act. The Deputy Administrator shall possess all the qualifications of the Administrator.

The Administrator shall be responsible for the acts of his Chief Deputy who shall, before entering upon the duties of his position, take the oath required of the Administrator. He may also be required by the Adminis-

trator to enter into bond, with security payable to the Administrator, conditioned on the faithful performance of the duties of his office. The amount of the bond so furnished shall be determined by the Administrator and the premiums therefor shall be paid as an expense of administering this law.

Sec. 30. Compensation of Chief Deputy Administrator. — The Chief Deputy Administrator shall receive as compensation the sum of Four Thousand (\$4,000.00) Dollars per annum, payable in the same manner as the compensation for the Administrator.

Sec. 30. Other Employees.—The Administrator shall have the authority to appoint such other deputies, assistants, clerical employees and attorneys as may be necessary under the provisions of this Act, and within the discretion of such Administrator. He may require such bonds of his employees as will insure the faithful discharge of their respective duties. The Administrator shall be responsible for all of the acts of each of his employees in the same manner as he is responsible for the acts of his Chief Deputy.

Sec. 32. Compensation of Employees.—The compensation to be paid to the employees in the Administrator's office shall be set by the Administrator, subject to the following limitations: (a) No deputy administrator, except the Chief Deputy, shall receive a salary in excess of Three Thousand (\$3,000.00) Dollars per year, and only three such deputies shall receive as much as Three Thousand (\$3,000.00) Dollars, within the discretion of the Administrator. All other deputies, if same are necessary for the adequate administration of this law, shall receive a salary to be set by the Administrator not to exceed Twenty-four Hundred (\$2,400.00) Dollars per year.

(b). The Administrator shall have the authority to employ auditors and accountants as are necessary for the administration of this law and the compensation of the Chief Accountant shall not exceed the sum of Three Thousand (\$3,000.00) Dollars. If the services of additional accountants are needed, three additional accountants may be employed at salaries to be set by the Administrator not to exceed Twenty-four Hundred (\$2,400.00) Dollars per year. Any additional accountants which may be employed by the Administrator for the administration

of this law shall receive a salary to be set by the Administrator not to exceed Eighteen Hundred (\$1,800.00) Dollars per year.

(c). The Administrator shall have the authority to employ two secretaries at a salary not to exceed Eighteen Hundred (\$1,800.00) Dollars per year. Any other stenographic or clerical assistance needed for the proper administration of this law shall be employed by the Administrator at a salary for each not to exceed the sum of Twelve Hundred (\$1,200.00) Dollars per year.

Sec. 33. Duties of the Administrator.—It shall be the duty of the Administrator to supervise the administration of this law in each and every respect, and to enforce the provisions of same.

Sec. 34. Reports of the Administrator.—The Administrator, within ninety (90) days after the close of each fiscal year, shall make a report to the Governor and the Legislature for the preceding year, setting out the following:

1. The name and position of each employee, and the salary paid to such employee.

2. The total number of persons receiving Old Age Assistance under the terms of this Act.

3. The amount paid in cash during the year to such persons.

4. The total number of applications for Assistance received.

5. The total number of applications granted.

6. The total number of applications denied.

7. The total number cancelled during the year.

8. The amount of money received by the Fund for each quarter of the year preceding, and the sources from which it was collected, showing the amount received from each source.

9. The amount of money allocated to the individual under the terms of this Act for each quarter of the year preceding.

10. Any other pertinent information applicable to the administration of this law which, in the opinion of the Administrator, should receive the attention of the Governor and the Legislature.

11. Said report shall also contain the recommendations of the Adminis-

trator as to such changes and amendments as should be made in this law.

Sec. 35. All funds which have been herein or by virtue of any other law, Federal or State, placed in the Old Age Assistance Fund of the State of Texas, and especially by virtue of the Old Age Assistance Act passed at the Second Called Session of the present Legislature, shall be deposited in the State Treasury as follows (unless otherwise specifically provided by law): One-fourth (1/4) to the credit of the Hospital Building Fund for the Feeble-Minded and Aged Seniles and three-fourths (3/4) to the credit of the Old Age Assistance Fund of the State of Texas. The fund hereby allocated to the State Hospital Building Fund for the Feeble-Minded and Aged Seniles shall be used by the State Board of Control to build buildings and equip and operate same to the end that the aged confined in the institutions and jails of Texas may be segregated and properly cared for in such necessary buildings.

Sec. 36. All laws or parts of laws in conflict herewith are hereby repealed and the Old Age Assistance Bill passed by the State Legislature at its Second Called Session in 1935 is hereby modified and changed to comply with the provisions hereof and be limited by the terms hereof.

Sec. 37.—The State Banking Board under its power of regulation, control and supervision of State Banking Corporations and Bank and Trust Companies is hereby authorized, under such regulations as it may prescribe, to obtain from any Bank or Trust Company in this State or from any other source in amount equal to \$3,000,000 for the month of October, and \$3,000,000 for the month of November, and \$3,000,000 for the month of December, 1936, and place same to the credit of the Old Age Assistance Fund, and that as and when the taxes provided in this Act are paid into said Old Age Assistance Fund the same shall be credited on the amounts placed in said Old Age Assistance Fund by said State Banking Board, and as and when said amounts are so credited such amounts shall be returned to the said State Banking Board for the repayment of said \$3,000,000 supplied for the month of November, and \$3,000,000 supplied for the month of December until said borrowed amounts shall have been fully repaid. If the taxes col-

lected hereunder and paid over to said Old Age Assistance Fund be sufficient to make it unnecessary to secure any or a part of said funds from said Banking Board, only such amount shall be obtained from said Banking Board as herein provided as may be necessary.

Question recurring on the motion by Mr. Pope, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—24

Alsup	Luker
Bradford	McKinney
Butler of Karnes	Morse
Celaya	Palmer
Davis	Pope
Duvall	Roane
Glass	Rogers
Good	Russell
Greathouse	Rutta
Hyder	Scarborough
Jones of Shelby	Walker
King	Westfall

Nays—103

Adamson	Frazer
Adkins	Fuchs
Aikin	Gibson
Alexander	Gray
Ash	Hankamer
Atchison	Hardin
Bourne	Harper
Bradbury	Harris of Archer
Bridgers	Harris of Dallas
Broyles	Hartzog
Burton	Head
Butler of Brazos	Herzik
Cagle	Hill
Caldwell	Hodges
Calvert	Hofheinz
Canon	Holland
Collins	Howard
Colquitt	Huddleston
Colson	Hunter
Cooper	Jackson
Cowley	James
Craddock	Jefferson
Crossley	Jones of Falls
Davisson	Jones of Wise
of Eastland	Keefe
Dickison	Knetsch
Dunlap of Hays	Lange
Dwyer	Lanning
England	Latham
Fain	Leath
Farmer	Lemens
Fisher	Lindsey
Ford	Lotief
Fox	Lucas

Mauritz	Roark
McCalla	Roberts
McConnell	Smith
McFarland	Spears
Moffett	Steward
Morris	Stinson
Morrison	Stovall
Newton	Tarwater
Nicholson	Tennyson
Olsen	Thornton
Patterson	Tillery
Payne	Venable
Quinn	Wells
Reader	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Worley
Riddle	Young
Roach of Hunt	Youngblood

Absent

Bergman	Hoskins
Broadfoot	Hunt
Daniel	Moore
Davison of Fisher	Petsch
Dunagan	Roach of Angelina
Dunlap of Kleberg	Shofner
Graves	Waggoner
Hanna	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Cooper offered the following amendment to Section IV of the bill:

Amend House Bill No. 8, by striking out all the rest of Section 4.

The amendment was adopted.

Mr. Caldwell moved that the House take up for consideration, at this time, Section 7, of House Bill No. 8.

Question recurring on the motion by Mr. Caldwell, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—73

Adkins	Davis
Aikin	Davisson
Alsup	of Eastland
Atchison	Dickison
Bradbury	Dunlap of Hays
Bradford	England
Bridgers	Fain
Broyles	Farmer
Burton	Fisher
Butler of Karnes	Ford
Cagle	Fox
Caldwell	Fuchs
Calvert	Glass

Good	McConnell
Gray	McFarland
Greathouse	Morris
Harper	Newton
Harris of Archer	Patterson
Hodges	Payne
Holland	Quinn
Hunter	Reader
Hyder	Reed of Bowie
Jackson	Riddle
Jones of Falls	Roane
Jones of Shelby	Roark
Jones of Wise	Roberts
Keefe	Rogers
Knetsch	Rutta
Lange	Spears
Lanning	Tennyson
Leath	Venable
Lemens	Walker
Lindsey	Westfall
Lucas	Wood of Harrison
Luker	Wood of Montague
Mauritz	Worley
McCalla	Youngblood

Nays—40

Adamson	Hofheinz
Bourne	Howard
Broadfoot	Huddleston
Canon	James
Celaya	King
Collins	Latham
Colquitt	Lotief
Colson	Moffett
Cooper	Morse
Cowley	Palmer
Craddock	Petsch
Crossley	Pope
Duvall	Reed of Dallas
Dwyer	Russell
Frazer	Scarborough
Gibson	Steward
Hankamer	Stinson
Hardin	Stovall
Hartzog	Tarwater
Hill	Thornton

Absent

Alexander	Jefferson
Ash	McKinney
Bergman	Moore
Butler of Brazos	Morrison
Daniel	Nicholson
Davison of Fisher	Olsen
Dunagan	Roach of Angelina
Dunlap of Kleberg	Roach of Hunt
Graves	Shofner
Hanna	Smith
Harris of Dallas	Tillery
Head	Waggoner
Herzik	Wells
Hoskins	Young
Hunt	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Wood of Harrison moved the previous question on the amendments on the Speaker's desk, to House Bill No. 8 and the passage of House Bill No. 8 to engrossment, and the motion was not seconded.

Mr. Caldwell moved the previous question on the passage of House Bill No. 8 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Adkins	Hyder
Alexander	Jackson
Ash	James
Bergman	King
Bradford	Knetsch
Broadfoot	Lanning
Butler of Brazos	Latham
Butler of Karnes	Leath
Cagle	Luker
Celaya	Mauritz
Collins	McFarland
Colquitt	McKinney
Colson	Moffett
Cooper	Morse
Cowley	Newton
Crossley	Nicholson
Duvall	Petsch
Dwyer	Quinn
Farmer	Roach of Hunt
Ford	Roane
Frazer	Roark
Gibson	Roberts
Glass	Rogers
Gray	Shofner
Hankamer	Smith
Hardin	Steward
Harper	Stinson
Harris of Archer	Stovall
Hartzog	Tarwater
Hill	Tennyson
Hofheinz	Thornton
Holland	Tillery
Hoskins	Walker
Howard	Wells
Huddleston	Worley
Hunter	Young

Nays—57

Adamson	Alsup
Aikin	Atchison

Bourne	Jones of Falls
Bradbury	Jones of Shelby
Bridgers	Jones of Wise
Broyles	Keefe
Burton	Lange
Caldwell	Lemens
Calvert	Lindsey
Canon	Lotief
Craddock	Lucas
Daniel	McCalla
Davis	McConnell
Davisson	Morris
of Eastland	Morrison
Dickison	Olsen
Dunlap of Hays	Palmer
England	Patterson
Fain	Payne
Fisher	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Riddle
Good	Russell
Greathouse	Rutta
Harris of Dallas	Spears
Head	Venable
Herzik	Westfall
Hodges	Wood of Harrison
Hunt	Youngblood

Present—Not Voting

Wood of Montague

Absent

Davison of Fisher	Moore
Dunagan	Pope
Dunlap of Kleberg	Reader
Graves	Roach of Angelina
Hanna	Scarborough
Jefferson	Waggoner

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

Mr. Pope raised the following point of order:

I raise a point of order, that this bill has not been properly considered.

1. Violation of Section 32, Article III of the Constitution of Texas in that free discussion not allowed on the bill.

2. There are 22 Sections of the bill and only seven Sections were considered and then only partially considered.

3. There are 50 or more amendments to the bill pending, not considered.

4. There are two substitute bills pending not allowed to be considered.

5. Amendments Nos. 1 and 2, offered by Pope of Nueces were refused consideration although offered before consideration of the bill was begun.

The Speaker overruled the point of order.

Mr. McCalla raised a point of order, on further consideration of Section 10-A of House Bill No. 8, on the ground that said Section was not a part of the bill as originally introduced.

The Speaker sustained the point of order.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 8 was then passed to engrossment by the following vote:

Yeas—113

Adamson	Glass
Adkins	Good
Aikin	Gray
Alexander	Greathouse
Alsup	Hankamer
Ash	Hanna
Atchison	Hardin
Bergman	Harper
Bourne	Harris of Archer
Bradbury	Hartzog
Bradford	Head
Bridgers	Hill
Broadfoot	Hodges
Broyles	Hofheinz
Burton	Holland
Butler of Brazos	Hoskins
Butler of Karnes	Howard
Cagle	Huddleston
Caldwell	Hunt
Calvert	Hunter
Canon	Hyder
Collins	Jackson
Colquitt	James
Colson	Jefferson
Cooper	Jones of Falls
Cowley	Jones of Shelby
Craddock	Jones of Wise
Crossley	King
Davis	Knetsch
Davison of Fisher	Lange
Davisson	Lanning
of Eastland	Latham
Duvall	Leath
Dwyer	Lemens
Farmer	Lotief
Fisher	Lucas
Ford	Luker
Frazer	Mauritz
Fuchs	McCalla
Gibson	McConnell

McFarland	Scarborough
Moffett	Shofner
Morrison	Smith
Morse	Spears
Newton	Steward
Nicholson	Stinson
Payne	Stovall
Quinn	Tarwater
Reader	Tennyson
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Riddle	Venable
Roach of Angelina	Walker
Roach of Hunt	Wells
Roane	Worley
Roark	Young
Rogers	Youngblood

Nays—20

Celaya	Olsen
Daniel	Palmer
Dickison	Patterson
Dunlap of Hays	Petsch
England	Pope
Fain	Russell
Fox	Rutta
Harris of Dallas	Westfall
Keefe	Wood of Harrison
Morris	Wood of Montague

Absent

Dunagan	McKinney
Dunlap of Kleberg	Moore
Graves	Roberts
Herzik	Waggoner
Lindsey	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

HOUSE BILL NO 8 ON THIRD READING

Mr. James moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 8 be placed on third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alexander	Bridgers
Alsup	Broadfoot
Ash	Broyles
Atchison	Butler of Brazos
Bergman	Butler of Karnes

Cagle	Jones of Shelby
Calvert	Jones of Wise
Canon	King
Celaya	Knetsch
Collins	Lange
Colquitt	Lanning
Colson	Latham
Cooper	Leath
Cowley	Lemens
Craddock	Lucas
Crossley	Luker
Davis	Mauritz
Davisson	McConnell
of Eastland	McFarland
Duvall	McKinney
Dwyer	Moffett
Fain	Morrison
Farmer	Morse
Fisher	Newton
Ford	Nicholson
Frazer	Payne
Fuchs	Petsch
Gibson	Quinn
Glass	Reader
Good	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hanna	Roane
Hardin	Roark
Harper	Roberts
Harris of Archer	Rogers
Hartzog	Scarborough
Head	Shofner
Herzik	Smith
Hill	Spears
Hodges	Steward
Hofheinz	Stinson
Holland	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hunter	Walker
Hyder	Wells
James	Worley
Jefferson	Youngblood
Jones of Falls	

Nays—25

Burton	Olsen
Caldwell	Palmer
Daniel	Patterson
Dickison	Pope
Dunlap of Hays	Riddle
England	Russell
Fox	Rutta
Harris of Dallas	Venable
Keefe	Westfall
Lindsey	Wood of Harrison
Lotief	Wood of Montague
McCalla	Young
Morris	

Absent

Davison of Fisher	Jackson
Dunagan	Moore
Dunlap of Kleberg	Waggoner
Graves	

Absent—Excused

Jones of Atascosa	Sessions
Leonard	Settle
McKee	Stanfield
Padgett	

The Speaker then laid House Bill No. 8 before the House on its third reading and final passage.

The bill was read third time.

Mr. Caldwell offered the following amendment to the bill:

Amend House Bill No. 8, by striking therefrom all of Section 7 and inserting in lieu thereof the following:

Sec. 7. Each individual, company, corporation, or association owning or controlling any gas, electric light, electric power, or water works, or water and light plant, in this State, whether located within or without an incorporated city or town, and used for the sale and distribution of its products either within or without an incorporated city or town, and charging for such gas, electric lights, electric power, or water, shall make quarterly on the first days of January, April, July, and October of each year a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer, or superintendent of such company, corporation, or association, showing the gross amount received from such business done within this State in the payment of charges for such gas, electric lights, electric power, or water, for the quarter next preceding. If said individual, company, corporation, or association, sells or distributes its products both within and without a city or town, whether such town is incorporated or unincorporated, then said report shall show separately the gross amount received from business done within such city or town and the gross amount received from business done outside of such city or town. Said individual, company, corporation, or association, at the time of making said report shall pay the Treasurer of this State an occupation tax, as hereinafter provided, for the quarter beginning on said date: for the amount of business done outside of a city or town or within a

city or town of less than twenty-five hundred (2500) inhabitants, according to the last preceding Federal Census, whether such town is incorporated or not, each such individual, company, corporation, or association, shall pay an occupation tax for the quarter beginning on said date in an amount equal to one per cent (1%) of said gross receipts, as shown by said report; for the amount of business done within a city or town of twenty-five hundred (2500) inhabitants and less than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, whether such city or town is incorporated or not, each such individual, company, corporation, or association, shall pay an occupation tax for the quarter beginning on said date in an amount equal to one and one-quarter per cent (1 1/4%) of said gross receipts, as shown by said report; for the amount of business done within a city containing ten thousand (10,000) inhabitants or more according to the last preceding Federal Census, each such individual, company, corporation, or association, at the time of making said report, shall pay to the Treasurer of this State an occupation tax for the one quarter beginning on said date an amount equal to one and three quarters per cent (1 3/4%) of said gross receipts, as shown by said report. Nothing herein shall apply to any such gas, electric light, power or water works or water and light plant within this State owned and operated by any city or town, nor to any county or Water Improvement or Conservation District. Nothing herein shall be construed to require payment of the tax on gross receipts herein levied more than once on the same commodity, and where the commodity is produced by one individual, company, corporation or association, and distributed by another, the tax shall be paid by the distributor alone. The Comptroller of Public Accounts of this State, or his duly authorized representatives, shall have free access at all times during business hours to the books and records of such individual, company, corporation or association for the purpose of determining the accuracy of such report.

Said tax as is provided for in this Section shall not be in lieu of, but shall be in addition to the occupation tax imposed upon such individual, company, corporation or association by Art.

7060, Revised Civil Statutes of 1925, as amended Acts 1930, Forty-first Legislature, Fifth Called Session, p. 168, Chapter 34, Sec. 1.

Mr. Farmer moved that the House recess to 10:00 o'clock a. m., tomorrow.

The motion was lost.

Mr. Spears moved the previous question on the pending amendment, amendment by Mr. Pope on the Speaker's desk and the final passage of House Bill No. 8, and the motion was not seconded.

Mr. Spears moved the previous question on the final passage of House Bill No. 8, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—80

Adkins	Holland
Alexander	Hoskins
Ash	Howard
Bradford	Huddleston
Bridgers	Hunter
Broadfoot	Hyder
Broyles	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Falls
Cagle	King
Calvert	Knetsch
Celaya	Lange
Collins	Lanning
Colquitt	Latham
Colson	Leath
Cowley	Lemens
Crossley	Luker
Daniel	Mauritz
Davison of Fisher	McFarland
Davisson	Moffett
of Eastland	Morrison
Dickison	Morse
Dwyer	Newton
Farmer	Nicholson
Fisher	Payne
Ford	Petsch
Frazer	Quinn
Fuchs	Reader
Gibson	Reed of Dallas
Gray	Roach of Angelina
Hankamer	Roach of Hunt
Hardin	Roane
Harris of Archer	Roberts
Harris of Dallas	Smith
Hartzog	Spears
Head	Steward
Herzik	Stinson
Hill	Tennyson
Hofheinz	Thornton

Waggoner
Walker

Wells

Nays—50

Adamson	Lotief
Aikin	Lucas
Alsup	McCalla
Atchison	McConnell
Bradbury	Morris
Burton	Olsen
Caldwell	Palmer
Canon	Patterson
Cooper	Pope
Craddock	Reed of Bowie
Davis	Riddle
Dunlap of Hays	Roark
Duvall	Rogers
England	Russell
Fain	Rutta
Fox	Sessions
Glass	Stovall
Good	Tillery
Greathouse	Venable
Hodges	Westfall
Hunt	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Young
Lindsey	Youngblood

Absent

Bergman	Jackson
Bourne	McKinney
Dunagan	Moore
Dunlap of Kleberg	Scarborough
Graves	Shofner
Hanna	Tarwater
Harper	

Absent—Excused

Jones of Atascosa	Padgett
Leonard	Settle
McKee	Stanfield

Mr. Pope raised the following point of order:

I raise a point of order that this bill has not been properly considered.

(1) Violation of Section 32, Art. III of the Constitution of Texas in that free discussion not allowed on the bill.

(2) There are 22 Sections of the bill and only 4 Sections were considered and then only partially considered.

(3) There are 50 or more amendments to the bill pending not considered.

(4) There are two substitute bills pending not allowed to be considered.

(5) Amendment No. 1 offered by Pope of Nueces was refused consideration, although offered before consideration of the bill was begun.

Renew points of order urged at the time previous question was ordered on this bill before engrossed; plus the statement of the record that the House had up for consideration Caldwell amendment when previous question was ordered on final passage and the Pope amendment No. 1, was also pending and each refused consideration.

POPE.

The Speaker overruled the point of order.

House Bill No. 8 was then passed by the following vote:

Yeas—127

Adamson	Gray
Adkins	Hankamer
Aikin	Hanna
Alexander	Hardin
Alsup	Harper
Ash	Harris of Archer
Atchison	Harris of Dallas
Bergman	Head
Bourne	Herzik
Bradbury	Hill
Bradford	Hodges
Bridgers	Hofheinz
Broadfoot	Holland
Broyles	Hoskins
Burton	Howard
Butler of Brazos	Huddleston
Butler of Karnes	Hunt
Cagle	Hunter
Caldwell	Hyder
Calvert	James
Canon	Jefferson
Collins	Jones of Falls
Colquitt	Jones of Wise
Cooper	Keefe
Cowley	King
Craddock	Knetsch
Crossley	Lange
Daniel	Lanning
Davis	Latham
Davison of Fisher	Leath
Davisson	Lemens
of Eastland	Lotief
Dickison	Lucas
Dunlap of Hays	Luker
Duvall	Mauritz
Dwyer	McCalla
England	McConnell
Fain	McFarland
Farmer	McKinney
Fisher	Moffett
Ford	Morris
Fox	Morrison
Frazer	Morse
Fuchs	Newton
Gibson	Nicholson
Glass	Patterson
Good	Payne

Quinn	Steward
Reader	Stinson
Reed of Bowie	Stovall
Reed of Dallas	Tarwater
Riddle	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Venable
Roark	Waggoner
Roberts	Walker
Rogers	Wells
Russell	Westfall
Rutta	Wood of Harrison
Scarborough	Wood of Montague
Sessions	Worley
Smith	Young
Spears	Youngblood

Nays—6

Greathouse	Olsen
Hartzog	Petsch
Jones of Shelby	Pope

Present—Not Voting

Palmer

Absent

Celaya	Jackson
Colson	Lindsey
Dunagan	Moore
Dunlap of Kleberg	Shofner
Graves	

Absent—Excused

Jones of Atascosa	Padgett
Leonard	Settle
McKee	Stanfield

Mr. Farmer moved to reconsider the vote by which House Bill No. 8 was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Collins and Mr. Colquitt:

H. B. No. 38, A bill to be entitled "An Act providing for a Civil Service System in all counties having a population of not over 330,000 inhabitants and not less than 300,000 inhabitants, according to the last Federal Census; to provide for a Civil Service Board and Civil Service Director; further providing for rules, regulations, etc., and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Dwyer, Mr. Steward, Mr. Bridgers, Mr. Good and Mr. Holland:

H. B. No. 39, A bill to be entitled "An Act making it unlawful to engage or assist in pool selling or bookmaking on horse races; making it unlawful by means of telegraph or telephone or otherwise to aid or assist in pool selling or bookmaking or to aid or assist other persons in wagering or placing bets on horse races; etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Scarborough:

H. B. No. 40, A bill to be entitled "An Act levying an occupation tax upon local mutual aid associations; providing certain exemptions, prescribing the rate of tax and the methods of its measurements; providing for the manner of collection, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Lotief:

H. B. No. 41, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 12,757 nor more than 12,759 inhabitants according to the last preceding United States Census where the taxable values in said counties are not less than Five Million (\$5,000,000.00) Dollars nor more than Nine Million (\$9,000,000.00) Dollars; prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Counties.

ADJOURNMENT

Mr. Cooper moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Reader moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Reader, it prevailed, and the House accordingly, at 6:00 o'clock p. m. adjourned until 10:00 o'clock a. m., Friday, October 9.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on State Affairs filed favorable reports on House

Bills Nos. 35 and 37; House Concurrent Resolutions Nos. 7, 12, 13 and 14; and Senate Bill No. 7.

The Committee on Municipal and Private Corporations filed a favorable report on House Bill No. 38.

NINTH DAY

(Friday, October 9, 1936.)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Fisher
Adamson	Ford
Adkins	Fox
Aikin	Frazer
Alexander	Fuchs
Alsup	Gibson
Ash	Glass
Atchison	Good
Bergman	Graves
Bourne	Gray
Bradbury	Greathouse
Bradford	Hankamer
Bridgers	Hanna
Broadfoot	Hardin
Broyles	Harper
Burton	Harris of Archer
Butler of Brazos	Harris of Dallas
Butler of Karnes	Hartzog
Cagle	Head
Caldwell	Herzik
Calvert	Hill
Canon	Hodges
Celaya	Hofheinz
Collins	Holland
Colquitt	Hoskins
Colson	Howard
Cooper	Huddleston
Cowley	Hunt
Craddock	Hunter
Crossley	Jackson
Daniel	James
Davis	Jefferson
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	Keefe
Dunlap of Hays	King
Dunlap of Kleberg	Knetsch
Duvall	Lange
Dwyer	Lanning
England	Latham
Fain	Leath
Farmer	Lemens

Lindsey	Roane
Lotief	Roark
Lucas	Roberts
Luker	Russell
Mauritz	Rutta
McCalla	Scarborough
McConnell	Sessions
McFarland	Shofner
Moffett	Smith
Morris	Spears
Morrison	Steward
Morse	Stinson
Newton	Stovall
Nicholson	Tarwater
Olsen	Tennyson
Palmer	Thornton
Patterson	Tillery
Payne	Venable
Petsch	Waggoner
Pope	Walker
Quinn	Wells
Reader	Westfall
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Riddle	Worley
Roach of Angelina	Young
Roach of Huht	Youngblood

Absent—Excused

Hyder	Padgett
Leonard	Rogers
McKee	Settle
McKinney	Stanfield
Moore	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, Thou who dost view alike the sparrow's fall and the rise and fall of nations, in Thy abundant mercy Thou hast so richly endowed us that the administration of Thou bounties is just now our chief problem. Leave us not to our own ways, but lead us by Thy Spirit. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence, on account of important business:

Mr. Stanfield for today, on motion of Mr. England.

Mr. Hyder for today, on motion of Mr. Frazer.

Mrs. Moore for today, on motion of Mr. Thornton.

The following Members were granted leaves of absence, on account of illness: